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In a recent number of this paper we announced the fact that the Supreme Court of the United States had decided the Relief Laws of Illinois (and the decision is equally applicable to the Relief Laws of other States,) to be UNCONSTITUTIONAL. Through the kindness of a friend at Washington, we are now enabled to lay before our readers the Opinion of the Court in *ex parte*. It is perhaps the most important Opinion that has been delivered, on a constitutional question, since the origin of our government. It will do more to restore confidence than any legislation. We learn that it has produced a great sensation at Washington, as it will do throughout the country, and especially in those States where valuation, stay, or relief laws have been enacted. All such laws are nullified by this decision, in reference to contracts made previous to their enactment; and it is such contracts alone, that prompt the enactment of such laws. All other Courts, both State and national, are bound by this decision. It is now for the first time given to the public: having been revised for the purpose by Chief Justice Taney.

SUPREME COURT OF THE U. STATES.
JANUARY TERM, 1843.

Arthur Bronson, Compt'r.

vs.

John H. Kinzie and Juliette his wife, Edmund K. Bussing and John S. Bussing, the President, Directors and Company of the State Bank of Illinois, Jay Hathway, Mary Ann Wolcott, Daniel S. Griswold, Caroline Duhamel, and Alonzo Huntington.

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Illinois.

Mr. Chief Justice Taney delivered the Opinion of the Court.

This case comes before the Court upon a division of opinion in the Circuit Court of the United States for the District of Illinois, upon certain questions which arose in the case, and which have been certified to this Court according to the act of Congress.

It appears from the record that on the 15th of July, 1838, John H. Kinzie executed a bond to Arthur Bronson conditioned for the payment of \$4000 on the 1st of July, 1843, with interest thereon to be paid semi-annually; and in order to secure the payment of the said sum of money and interest, Kinzie and wife on the same day conveyed to the said Bronson in fee simple by way of mortgage, one undivided half part of certain houses and lots in the town of Chicago, with the usual proviso that the deed should be null and void if the said principal and interest were only paid; and Kinzie among other things covenanted that if default should be made in the payment of the principal or interest or any part thereof, that it should be lawful for Bronson or his representatives to enter upon and sell the mortgaged premises at public auction, and as Attorney of Kinzie and wife, to convey the same to the purchaser, and out of the moneys arising from such sale to retain the amount that might then be due him on the aforesaid bond, with the costs and charges of sale, rendering the overplus, if any, to Kinzie.

The interest not having been paid, Bronson on the 27th of March, 1841, filed his bill to foreclose the mortgage. In the meantime, after the mortgage was made and before the bill was filed, the Legislature of Illinois on the 19th of February, 1841, passed a law, the 8th section of which provided that mortgage and judgment creditors should have the same right to redeem mortgaged premises sold by the decree of a Court of Chancery that had been given to the debtors and judgment creditors by a previous law passed in 1825, in cases where lands were sold under execution. The law of 1825, authorized the party, whose land should be sold by execution after that law took effect, to redeem them within twelve months from the day of sale, by repaying the purchase money with interest at the rate of ten per cent; and if the debtor did not redeem within the time limited, any judgment creditor was authorized to do so upon the like terms within fifteen months from the sale. This act which took effect on the first day of May 1825, was held it seems not to extend to sales of mortgaged premises under a decree of foreclosure, and the

by subsequent act of the Legislature of Illinois, approved the 27th of February 1841; it was directed, that when any execution should be issued out of any of the Courts of the State, and be levied on any property real or personal or both, it should be the duty of the officer levying such execution to summon three householders of the proper county one of whom should be chosen by such officer, one by the plaintiff and one by the defendant in the execution; or in default of the parties making such choice, the officer should choose for them; which householders after being only sworn, by such officer so to do, should fairly and impartially value the property upon which such execution was levied having reference to its cash value; and that they should endorse the valuation thereof, upon the execution, or upon a piece of paper thereunto attached signed by them; and when such property should be offered for sale, it should not be struck off unless two-thirds of the amount of such valuation should be bid therefor. It further provided among other things that all sales of mortgaged property should be made according to the provisions of that act, whether the foreclosure of said mortgage was by judgment at law, or decree in Chancery. It also directed that the provisions of this law should extend to all judgments rendered prior to the 1st of May 1841, and to all judgments that might be rendered on any contract or cause of action accruing prior to that day, and not to any other judgment than as before specified. These are in substance the provisions of these acts as far as they are material to the present controversy.

On the 19th of June 1841 after the laws above mentioned had been passed, the Circuit Court of the United States for the District of Illinois adopted the following rules.—

"Ordered that when the Marshal shall levy an execution upon real estate he shall have it appraised and sold under the provisions of the law of this State entitled 'An Act regulating the sale of property,' approved 27th February 1841; if the case come within the provisions of that law; and any two or three householders selected under the law agreeing, may make the valuation of the premises required."

"Before the sale of any real estate on execution the Marshal shall give notice thirty days in a newspaper published in the county where the land lies; and if there be no paper published in the county, then the notice shall be given thirty days before the sale, by notices as the statute requires. The Court adopt the 8th section of the act of this State to amend the act concerning judgments &c. passed 19th of February 1841 which regulates the sale of mortgaged premises &c. except where special direction shall be given in the decree of sale."

After these rules were adopted, that is to say, at December Term 1841, the bill filed by Bronson as herein before mentioned came on for final hearing in the Circuit Court; and thereupon the complainant moved the Court for a final decree of strict foreclosure of said mortgage, or that the mortgaged premises should be sold to the highest bidder, without being subject to said rule and the act referred to. This motion was resisted on part of defendants, who moved that the decree should direct the sale according to said rule and act.

And the Judges being opposed in opinion on the following points, to wit:—

1st. Whether the decree in this case should be so entered as to direct the sale of the said mortgaged premises according to the said statute of the State of Illinois above mentioned; or whether the same premises should be sold at public auction, to the highest bidder, without regard to the said law.

2nd. Whether the decree in this case shall or shall not direct the sale of the mortgaged premises, without being first valued by three householders, and without requiring two-thirds of the amount of the said valuation to be bid, according to the said act of the State of Illinois.

3rd. Whether the terms of the mortgage in this case do or do not require it to be excepted from the operation of the rule above recited. On motion of the complainant, it was ordered and directed that this cause, with said points, be certified to the Supreme Court, in pursuance of the act of Congress.

And it is upon these questions, thus certified, that the case is now before us; and the 8th section of the act of February 19th, and the entire act of February 27th, are set forth at large in the record, as the laws referred to in the above mentioned rules of the Circuit Court.

The case has been admitted to the Court for decision by a written agreement between the counsel on both sides. On the part of the complainant a printed argument has been filed, but none has been offered on behalf of the defendant. As the case involves a constitutional question of great importance, we should have preferred a full argument at the Bar. But the parties are entitled by the rules of the Court to bring it before us in the manner they have adopted; and it being our duty to decide the questions certified to us by the Circuit Court, we have bestowed upon the subject the careful and deliberate consideration which its importance demands.

Upon the points certified, the question is whether the laws of Illinois of the 19th and the 27th of February 1841, come within that clause of the 10th Section of the 1st Article of the Constitution of the United States which prohibits a state from passing a law impairing the obligation of contracts.

The laws of a state regulating the process of its courts and prescribing the manner in which it shall be executed, of course do not bind the courts of the United States, whose proceedings must be governed by the acts of Congress. The act of 1792, however, adopted the process used in the State courts, as it stood in 1789; and since then, the act of 1822 on the same subject, has been passed; and the third section of this law directs, that final process issued in judgments, and decrees in any of the courts of the United States, and the proceedings thereupon, shall be the same except their style in each State respectively as were then used in the courts of such State; and authorizes the courts of the United States, if they see fit in their discretion by rules of court so far to alter final process, as to conform the same to any change which might afterwards be adopted, by the Legislature of the respective States for the State courts. Any acts of a State Legislature therefore, in relation to final process, passed since 1822, are of no force in the courts of the United States, unless adopted by rules of court according to the provisions of this act of Congress. And although such State laws may have been so adopted, yet they are inoperative and of no force if in conflict with the constitution or an act of Congress.

As concerns the obligations of the contract upon which this controversy has arisen, they depend upon the laws of Illinois as they stood at the time the mortgage deed was executed. The money due was indeed to be paid in New York. But the mortgage given to secure the debt, was made in Illinois, for real property situated in that State, and the rights which the mortgage acquired in the premises depended upon the laws of that State. In other words the existing laws of Illinois created and defined the legal and equitable obligations of the mortgage contract.

If the laws of the State passed afterwards had done nothing more than change the remedy upon contracts of this description, they would be liable to no constitutional objection. For undoubtedly a State may regulate at pleasure the modes of proceeding in its courts in relation to past contracts as well as future. It may for example shorten the period of time within which claims shall be barred by the statute of limitations. It may if it thinks proper direct that the necessary implements of agriculture, or the tools of the mechanic, or articles of necessity

in household furniture, shall, like wearing apparel, not be liable to execution on judgments. Regulations of this description have always been considered in every civilized community, as properly belonging to the remedy, to be exercised or not by every sovereignty, according to its own views of policy and humanity. It must reside in every State to enable it to secure its citizens from unjust and harassing litigation, and to protect them in those pursuits which are necessary to the existence and well being of every community. And although a new remedy may be deemed less convenient than the old one, and may in some degree render the recovery of debts more tardy and difficult, yet it will not follow that the law is unconstitutional. Whatever belongs merely to the remedy may be altered according to the will of the State, provided the alteration does not impair the obligation of the contract. But if that effect is produced, it is immaterial whether it is done by acting on the remedy, or directly on the contract itself. In either case it is prohibited by the constitution.

This subject came before the Supreme Court in the case of Green vs. Biddle, decided in 1823 and reported in 5 Wheat: 1. It appears to have been twice elaborately argued by counsel on both sides, and deliberately considered by the court. On the part of the Defendant in that case it was insisted that the laws of Kentucky passed in 1797 and 1812 concerning occupying claimants of land impaired the obligation of the compact made with Virginia in 1789. On the other hand it was contended that these laws only regulated the remedy and did not operate on the right to the lands.

In deciding the point the court say, "It is no answer that the acts of Kentucky now in question are regulations of the remedy, and not of the right to the lands. If those acts so change the nature and extent of existing remedies, as materially to impair the rights and interest of the owner, they are just as much a violation of the compact, as if they directly overturned his rights and interests." And in the opinion delivered by the Court after the second argument the same rule is reiterated in language equally strong (see pages 75, 76 and 84). This judgement of the court is entitled to the more weight, because the opinion is stated in the Report of the case to have been unanimous; and Judge Washington who was the only member of the Court absent at the first argument, delivered the opinion on the second.

We concur entirely in the correctness of the rule above stated. It is difficult perhaps to draw a line, that would be applicable in all cases, between legitimate alterations of the remedy, and provisions which in the form of remedy impair the right. But it is manifest that the obligation of the contract, and the rights of a party under it, may in effect, be destroyed by denying a remedy altogether, or may be seriously impaired by burdening the proceedings with new conditions and restrictions, so as to make the remedy hardly worth pursuing. And no one we presume would say that there is any substantial difference between a retrospective law declaring a particular contract or class of contracts to be abrogated and void; and one which took away all remedy to enforce them, or surrounded it with conditions that rendered it useless or impracticable to pursue it. Blackstone in his commentaries on the laws on England, 1 vol 55, after having treated of the declaratory and directory parts of the law, defines the remedial in the following words—

"The remedial part of the law is so necessary a consequence of the former two, that laws must be very vague and imperfect without it. For in vain would rights be declared, in vain directed to be observed, if there were no method of recovering and asserting those rights when wrongfully withheld or invaded.— This is what we mean properly when we speak of the protection of the law. When for instance the declaratory part of the law has said that the field and inheritance which belonged to Titius's father is vested by his death in Titius; and the directory part has forbidden any one to enter on another's property without the leave of the owner; if Gaius after this will presume to take possession of the land, the remedial part of the law will then interpose its office; will make Gaius restore the possession to Titius and also pay him damages for the invasion."

We have quoted the entire paragraph because it shows in a few plain words, and illustrates by a familiar example, the connection of the remedy with the right. It is the part of the municipal law which protects the right, and the obligation by which it enforces and maintains it. It is this protection which the clause in the constitution now in question mainly intended to secure. And it would be unjust to the memory of the distinguished men who framed it, to suppose that it was designed to protect a mere barren and abstract right, without any practical operation upon the business of life. It was undoubtedly adopted as a part of the constitution for a great and useful purpose. It was to maintain the integrity of contracts, and to secure their faithful execution throughout this Union by placing them under the protection of the constitution of the United States. And it would but ill become this Court under any circumstances, to depart from the plain meaning of the words used, and to sanction a distinction between the right and the remedy which would render this provision illusive and nugatory—mere words of form—affording no protection—and producing no practical result.

We proceed to apply these principles to the case before us. According to the long settled rules of law and equity in all of the States whose jurisprudence has been modeled upon the principles of the Common Law, the legal title to the premises in question vested in the complainant, upon the failure of the mortgagor to comply with the conditions contained in the proviso. And at law he had a right to sue for and recover the land itself. But in equity this legal title is regarded as a trust estate to secure the payment of the money; and therefore when the debt is discharged, there is a resulting trust for the mortgagor. *Y. Peters 441. Conrad vs. The Atlantic Insurance Company.* It is upon this construction of the contract that courts of equity lend their aid either to the mortgagor or mortgagee in order to enforce their respective rights. The Court will upon the application of the mortgagor direct the reconveyance of the property to him upon the payment of the money; and upon the application of the mortgagee it will order a sale of the property to discharge the debt. But as courts of equity follow the law, they acknowledge the legal title of the mortgagee, and never deprive him of his rights at law until his debt is paid; and he is entitled to the aid of the Court to extinguish the equitable title of the mortgagor, in order that he may obtain the benefit of his security. For this purpose it is his absolute and undoubted right under an ordinary mortgage deed, if the money is not paid at the appointed day, to go into the Court of Chancery and obtain its order for the sale of the whole mortgaged property (if the whole is necessary) free and discharged from the equitable interest of the mortgagor. This is his right by the law of the contract, and it is the duty of the Court to maintain and enforce it without any unreasonable delay.

When this contract was made, no statute had been passed by the State changing the rules of law or equity in relation to a contract of this kind. None such at least has been brought to the notice of the Court; and it must therefore be governed, and the rights of the parties under it measured, by the rules above stated. They were the laws of Illinois at the time, and therefore entered into the contract and formed a part of it without any express stipulation to that effect in the deed. Thus for example there is no covenant in the instrument giving the mortgagor the right to redeem by paying the money after the day limited in the deed, and before he was foreclosed by the decree of the Court of Chancery. Yet no one doubts his right or his remedy; for by the laws of the State then in force, this right and this remedy was a part of the law of the contract, without any express agreement of the parties. So also the rights of the mortgagee as known to the laws required no express stipulation to define or secure them. They were annexed to the contract at the time it was made, and formed a part of it, and any subsequent law impairing the rights thus acquired, impairs the obligation which the contract imposed.

This brings us to examine the statutes of Illinois which have given rise to this controversy. As concerns the law of Feb. 19, 1841, it appears to the court not to act merely on the remedy, but directly upon the contract itself, and to engraft upon it new conditions injurious and unjust to the mortgagee. It declares that although the mortgaged premises should be sold under the decree of the Court of Chancery, yet that the equitable estate of the mortgagor shall not be extinguished, but shall continue for 12 months after the sale; and it moreover gives a new and like estate which before had no existence, to the judgment creditor, to continue for fifteen months. If such rights may be added to the original contract, by subsequent legislation, it would be difficult to say at what point they must stop. An equitable interest in the premises may in like manner be conferred upon others, and the right to redeem may be so prolonged, as to deprive the mortgagee of the benefit of his security, by rendering the property unsaleable for any thing like its value. This law gives to the mortgagor and to the judgment creditor, an equitable estate in the premises, which neither of them would have been entitled to under the original contract. And these new interests are directly and materially in conflict with those which the mortgagee acquired when the mortgage was made. Any such modification of a contract by subsequent legislation, against the consent of one of the parties, unquestionably impairs its obligations, and is prohibited by the Constitution.

The second point certified arises under the law of Feb. 27, 1841. The observations already made in relation to the other act apply with equal force to this. It is true that this law apparently acts upon the remedy and not directly upon the contract. Yet its effect is to deprive the party of his pre-existing right to foreclose the mortgage by a sale of the premises, and to impose upon him conditions which would frequently render any sale altogether impossible. And this law is still more objectionable because it is not a general one and prescribing the mode of selling mortgaged premises in all cases, but is confined to judgments rendered and contracts made prior to the 1st of May, 1841. The act was passed on the 27th of February in that year; and and it operates mainly on past contracts and not on future. If the contracts intended to be affected by it had been specifically enumerated in the law, and these conditions applied to them, while other contracts of the same description were to be enforced in the ordinary course of legal proceedings, no one would doubt that such a law was unconstitutional. Here a particular class of contracts is selected and incumbered with these new conditions. And it can make no difference in principle whether they are described by the names of the parties or by the time at which they were made.

In the case before us the conflict by these laws with the obligations of the contract is made the more evident by an express covenant contained in the instrument itself, whereby the mortgagee in default of payment was authorized to enter on the premises and sell them at public auction; and to retain out of the money thus raised the amount due, and to pay the overplus if any to the mortgagor. It is impossible to read this covenant and compare it with the laws now under consideration, without seeing that both of these acts materially interfere with the express agreement of the parties contained in this covenant. Yet the right here secured to the mortgagee is substantially nothing more than the right to sell, free and discharged of the equitable interest of Kinzie and wife, in order to obtain his money. Now at the time this deed was executed, the right to sell, free and discharged of the equitable estate of the mortgagor, was a part of every ordinary contract of mortgage in the state, without the aid of this express covenant. And the only difference between the right annexed by law and that given by the covenant consists in this—that in the former case the right of sale must be exercised under the direction of the Court of Chancery upon such terms as it shall prescribe and the sale made by an agent of the Court; in the latter the sale is to be made by the party himself. But even under this covenant the sale made by the party is so far subject to the supervision of the Court, that it will be set aside and a new one ordered if reasonable notice is not given, or the proceedings be regarded in any respect as contrary to equity and justice. There is therefore in truth but little material difference between the rights of the mortgagee with or without this covenant. The dis-

function consists rather in the form of the remedy, than in the substantial right. And as it is evident that the laws in question, invade the right secured by this covenant, there can be no sound reason for a different conclusion where similar rights are incorporated by law into the contract, and form a part of it at the time it is made.

Mortgages made since the passage of these laws must undoubtedly be governed by them. For every State has the power to prescribe the legal and equitable obligations of a contract to be made and executed within its jurisdiction. It may exempt any property it thinks proper from sale for the payment of a debt, and may impose such conditions and restrictions upon the creditor as its judgment and policy may dictate. And all future contracts would be subject to such provisions; and they would be obligatory upon the parties in the Courts of the United States as well as in those of the State. We speak of course of contracts made and to be executed in the State. It is a case of that description that is now before us; and we do not think it proper to go beyond it.

Upon the questions presented by the Circuit Court we therefore answer—

1st. That the decree should direct the premises to be sold at public auction to the highest bidder without regard to the law of February 19, 1841, which gives the right of redemption to the mortgagor for twelve months, and to the judgment creditor for fifteen.

2d. That the decree should direct the sale of the mortgaged premises without being first valued by three householders, and without requiring two thirds of the amount of the said valuation to be bid according to the law of February 27, 1841.

The decision of these two questions disposes of the third—and we shall direct these answers to be certified to the Circuit Court.

[Test]

WM. THOS. CARROLL,
Clerk Sup. Ct. U. S.

Michigan Legislature
C. E. Stuart.
1837-
A C T S

OF

THE LEGISLATURE

OF THE

STATE OF MICHIGAN;

PASSED AT THE ANNUAL SESSION OF

1837.

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LAWS OF MICHIGAN.

[No. II.]

AN ACT to regulate the election for the county of Shiawassee.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the qualified electors of the county of Shiawassee, be, and they are hereby, authorized (at the special election to be holden for the purpose of electing a representative to the state legislature, from the counties of Saginaw, Genesee and Shiawassee) to elect *viva voce* five inspectors for said election; and that said inspectors appoint their moderator, and that said moderator administer the oath required by law to said inspectors, and that one of the inspectors administer said oath to said moderator.

Appointment
of Inspectors
and Modera-
tor.

Sec. 2. The said election shall be holden at the house of Alfred S. Williams, in said county, and the returns made in the manner prescribed by the existing laws of this state.

Election,
where hold-
en.

Approved January 24, 1837.

[No. III.]

AN ACT to authorize Morris S. Hutchins and others to convey certain lands.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for Joseph B. Hutchins, of St. Joseph county, who is the father of Morris Samuel Hutchins, a minor under the age of twenty-one years, by the direction and subject to the approbation of the judge of precinct of said county, signified by an order made upon the hearing of all parties concerned, on the petition of said minor, or his fa-

Joseph B.
Hutchins au-
thorized to
convey cer-
tain lands
to Aurora
Gillet.

LAWS OF MICHIGAN.

ther, to convey or assure without consideration unto Aurora A. Gilbert, her heirs and assigns, the south-east quarter of the north-west quarter of section twenty-three, in township seven, south of range twelve west, situate in said St. Joseph county; and that such conveyance or assurance, had and made as aforesaid, shall be good and effectual in law, to all intents and purposes whatsoever, to vest in the said Aurora A. Gilbert, her heirs and assigns, the legal and equitable title to said land, so far as said minor is concerned, as effectually as if he were of full age and had himself conveyed the same: *Provided*, That said judge of probate, before he shall authorize the execution of such deed in manner aforesaid, shall cause notice to be published in a public newspaper printed in said county, at least four weeks, once in each week, requiring all persons interested to show cause, if any they have, before said judge at his office, on a day designated by him, why he should not authorize the execution of such deed.

Provido.

Peter Labadie authorized to convey certain lands to Isabelle Labadie.

Sec. 2. That the guardian of Peter Labadie, a minor, one of the heirs at law of Alexis Descompte Labadie deceased, be, and he is hereby authorized and empowered, under the direction and subject to the approbation of the judge of probate of the county of Wayne, to execute in due form of law a release and conveyance to Isabelle Labadie (late Rousson) of all the right, title and interest of said Peter, in so much of the real estate of said Alexis as by his marriage contract, dated the eighteenth day of February, one thousand eight hundred and twenty-four, he covenanted to convey to said Isabelle.

Approved January 24, 1837.

[No. IV.]

AN ACT to repeal so much of the second section as relates to the rate of interest, of an act entitled "An act to authorize the board of supervisors of certain counties therein named, to borrow certain sums of money and for other purposes," March 24, 1836.

Part of the 2nd section of act of March 24, 1836, repealed.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of the second section of said act as relates to the rate of interest, be, and the same is hereby repealed.

Approved January 24, 1837.

[No. V.]

AN ACT to authorize the administrator on the estate of Israel Owen, late of the county of Monroe, and State of Michigan, deceased, to make and execute a deed of certain real estate.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the administrator on the estate of Israel Owen, late of the town of Raisinville, county of Monroe and state of Michigan, deceased, be, and he is hereby, authorized and empowered, by and with the consent of the judge of probate of said county, to make and execute in due form of law a good and sufficient deed to James T. Drew, of the same town, of all the estate, right, title and interest, either at law or in equity, which the said Israel Owen had, at the time of his decease, in and to a certain tract of land situate and being in said town of Raisinville, containing twenty acres of land, bounded and described as follows, to wit: commencing at the centre of section thirteen, in township number seven south of range number seven east, running thence south eighty-five rods, thence east to a point from which a line drawn thence north to a point due east from the place of beginning, and thence to the place of beginning, will contain twenty acres of land. *Provided always*, That said judge of probate, before he shall authorize the execution of such deed in manner aforesaid, shall cause notice to be published in a public newspaper printed in said county, at least four weeks, once in each week, requiring all persons claiming an interest in said land to show cause if any they have, before said judge at his office, on a day to be designated by him, why he should not authorize the execution of such deed: *Provided further*, That said judge of probate, before he consent to the execution of such deed, shall be satisfied that the contract entered into by said Israel Owen, with said James T. Drew for the sale of said lands was such as would have authorized the circuit court of this state, under the provisions of the laws of this state, to empower said administrator to execute a deed of said lands to said James T. Drew, under the like circumstances, had the same been in writing. And such deed being executed and acknowledged by said administrator, shall be sufficient to vest in the said James T. Drew, his heirs and assigns, the legal and equitable estate in said premises.

Administrator of estate of I. Owen authorized to execute a deed to Jas. T. Drew.

Description.

Proviso.

Further proviso.

Approved January 24, 1837.

[No. VII.]

AN ACT to legalize the assessment roll of the township of Cottrelville, in the county of St. Clair, for 1836.

Whereas, one of the assessors chosen by the people for the township of Cottrelville, in the county of St. Clair, of the year eighteen hundred and thirty-six, did, unknown to the citizens of said town, reside in the township of Clay, in said county; therefore,

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of the acts of said assessor, as relates to the assessment in said township of Cottrelville, and as would otherwise have been in pursuance of law, be, and are hereby legalized; and the said assessment roll shall for all purposes in law, be as binding upon the inhabitants of said township, as if made by an assessor residing in the same.

Assessment
roll legalized.

Approved January 24, 1837.

[No. IX.]

AN ACT to authorize David Gilbert, a minor, to sell certain lands therein described.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That David Gilbert, a minor, under the age of twenty-one years, of the county of Lenawee, be, and he is hereby, authorized to make sale of a certain lot of land, situated in the township of Blissfield, in the county of Lenawee, and bounded on the north and west by the public highway, on the north side of the River Raisin, east by the River Raisin, and south by land owned by the heirs of Whiting Goff, in township number seven, south of range number five east, and contains about three acres, be the same more or less; and on sale of said lot of land, to execute and acknowledge, in due form of law, a deed of conveyance thereof: *Provided,* The judge of probate for the county of Lenawee, and Jacob Gilbert, father of said David Gilbert, shall consent to such sale, and endorse the same upon such deed or conveyance; and the deed or conveyance thus executed, acknowledged and endorsed, shall be as valid and effectual as if

D. Gilbert
authorized to
sell certain
lands.

Provido.

LAWS OF MICHIGAN.

7

the said David Gilbert were of full age at the time of executing the same.

Approved January 28, 1837.

[No. X.]

AN ACT to extend the time for collection and payment of certain taxes therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time specified in the act entitled, "An act amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state, county, and township purposes," approved March 21st, 1836, for the collection and payment of all taxes in the several counties of this state, shall be, and the same is hereby, extended until the first Monday in June next, and the warrants of the several collectors of each of the townships of the said several counties in which the said taxes have not already been collected, shall conform to the provisions of this act; and the collectors now in office, for the purpose of carrying this and the act herein recited into effect in each of the townships in the said several counties, shall renew their bonds to the supervisors of the townships in which they respectively reside, according to the direction of every such supervisor, within forty days from and after the passage of this act.

Time of collection extended.

Bonds of collectors to be renewed.

Sec. 2. In case of any of the townships in the said several counties of this State, may have failed or neglected to assess the real and personal property in said township as by law directed, for the year 1836, in that case it shall be lawful, and it is made the duty of the supervisor to require the assessors of said township, to cause an assessment to be made in forty days from and after the passage of this act, of the real and personal property in such townships as near as may be, according to the provisions of the existing laws, and to collect and to pay the taxes herein mentioned according to the directions of this act.

When townships have failed to assess.

Assessment, how made.

Sec. 3. Any township officer who shall neglect to perform the duties required of him by the provisions of this act, shall forfeit and pay a fine of five hundred dollars, or double the amount of the tax roll of such township, or both, at the discretion of the court, to be recovered in any court having competent jurisdiction,

Penalty for neglect.

at the suit of the treasurer of said county, whose duty it shall be to sue for the same, and on recovery thereof, to pay the same over, in proper proportions, to the proper township or county, or to the state, as the case may be; and the several collectors now in office, notwithstanding their term of office may expire before they shall have collected the state tax which they are herein required to collect, shall proceed and collect said tax within the time limited by this act, and in case of failure, neglect or refusal so to do, they shall be subject to the above penalty of five hundred dollars.

Tax rolls. Sec. 4. It is made the duty of the township clerks of each and every township in the several counties of this state, that are in arrearages for taxes, to furnish forthwith, certified copies of the tax roll of such township, one copy to the treasurer of such county, and another copy to the clerk of the board of supervisors, and the supervisors of their county shall allow them severally a reasonable compensation for such service.

Apportionment. Sec. 5. In all cases where the treasurer of any county has apportioned and made out a tax upon the original assessment roll or upon a copy thereof, the same shall be as valid in law, as if he had apportioned and made out the same upon a certified copy furnished him by the clerk of the board of supervisors, and all collectors who have collected taxes thus made out, and who shall hereafter collect them by virtue of the warrants to them issued, shall not be deemed to have been guilty of any trespass, or liable to any costs by reason of any irregularity in making out and apportioning the tax which they are required to collect.

County treasurers to give bond. Sec. 6. The county treasurer elected in each of the several counties of this state, shall give a bond to the Auditor General of this state, in addition to the bond required to be given by him, before the board of supervisors of said county, in a sum not less than three thousand, and not exceeding twenty-five thousand dollars, as the auditor general may direct, with two or more good and sufficient sureties, such as the auditor general may approve of, and to the satisfaction of the county clerk of said county, before whom the bonds shall be taken in duplicate, one copy of which the county clerk shall file in his office, and the other copy he shall **Conditions of bond.** transmit to the auditor general, which bond shall be conditioned for the faithful execution of the duties of such county treasurer in his office, and to account for and pay over according to law,

all moneys which may come into his hands for the use of the state, and that he will deliver to his successor in office, all books of entry, papers, documents and other things which he may have or hold in right thereof, and pay the balance of all money that may be found due to the state in his hands; and it shall be the duty of every such county treasurer to give a bond, as in this section directed within sixty days from and after the passage of this act, and every county treasurer who shall fail or neglect to comply with the requirements herein made, shall be deemed to have vacated his office; in which case it shall be the duty of such county clerk to give public notice, that the electors of said county may elect a citizen of their county to fill such vacancy: *Failure to give bond deemed a vacation of office.* *Vacancy, how filled.* *Proviso.* *Provided,* That the treasurers of the counties of Mackinaw and Chippewa, shall respectively be permitted, and required, to give bond as aforesaid within ninety days from and after the passage of this act.

Sec. 7. It shall be the duty of the district or prosecuting attorney in each of the several counties of this state to prosecute all violations and infractions of this, and the act herein recited, to final judgment. *Prosecutions under this act, how made.*

Sec. 8. It is made the duty of the auditor general to transmit a sufficient number of copies of this act, together with the form of the bond required to be given by this act, forthwith, to the several county treasurers and clerks in the several counties of this state, with directions to every such treasurer and county clerk, immediately on the receipt of said copies, to send one to each of the supervisors and township clerks in said county. *Duty of auditor general.*

Approved January 31, 1837.

[No. XI.]

AN ACT to authorize the Governor to appoint a private secretary.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the governor of this state be, and he is hereby, authorized to appoint and employ a private secretary. *Appointment*

Sec. 2. That said private secretary shall receive for his service *Salary.*

ces the sum of five hundred dollars per annum, payable quarterly, out of any moneys in the treasury not otherwise appropriated.
Approved January 31, 1837.

[No. XIII.]

AN ACT to amend an act entitled “An act appointing commissioners to lay out and establish certain state roads,” approved March 26, 1836.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Daniel Munger, Martin Olds, and Levi C. Mathews, be, and they are hereby, appointed commissioners to lay out and establish a certain state road, as described in the thirty-fourth section of the act to which this is amendatory; and that so much of the said section as relates to the appointment of the commissioners therein named, be, and the same is hereby repealed.

Approved February 2, 1837.

[No. XIV.]

AN ACT to authorize the supervisor and the township clerk of the township of Marshall, to levy a tax on the property assessed therein in the year one thousand eight hundred and thirty-six.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supervisor and township clerk of the township of Marshall, in the county of Calhoun, be, and they are hereby, authorized to levy the amount of taxes charged against the said township upon the entire property assessed therein for the year one thousand eight hundred and thirty-six: *Provided,* That in case any part of said tax is already collected, the excess paid by any person or persons over and above his, her or their just ratio, according to the new apportionment by this act authorized to be made, shall be, and the same is hereby required to be refunded.

Sec. 2. The time for the collection of said taxes, is hereby extended to the fifteenth day of March next.

Sec. 3. The collector of said township is hereby authorized and required to collect said tax in said township, and make his ^{Duty of collector.} returns within the time above specified, in the same manner as is required by the existing laws of this state, any law to the contrary notwithstanding.

Approved February 4, 1837.

[No. XV.]

AN ACT to amend an act entitled "An act appointing commissioners to lay out and establish certain State roads," approved March 26, 1836.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of the eighth section of an act to which this act is amendatory, as authorizes Nathan S. Philbrick, Archibald Y. Murray, and Salmon Champion, ^{Repeal of Sec. 8 of a certain act.} Jr. to lay out and establish a State road from Pontiac, in the county of Oakland, through Plymouth Corners in the county of Wayne, to Ypsilanti in the county of Washtenaw, be, and the same is hereby repealed.

Approved February 7, 1837.

[No. XVI.]

AN ACT to amend the several acts concerning the supreme court, circuit court, and courts of chancery of the state of Michigan.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all suits at law civil and criminal, appeals, certioraries, and all other matters or things pending or remaining in the superior circuit court of the county of Monroe, in the late territory of Michigan, and also all suits, writs and matters in chancery, pending or remaining in said superior circuit court, and in the circuit court of said county of Monroe in said territory, which by the provisions of any existing laws of this state were transferred, or subject or required to be transferred to either the supreme court of said state, or the court of chancery for the second circuit, shall be, and the same

are hereby, transferred to the supreme court and the court of chancery respectively, for the first circuit, as they may severally have jurisdiction thereof, and said courts respectively shall hear, try and determine the same, and render such decree or judgment therein, and issue execution as if said courts respectively had original cognizance thereof; and all the writs, dockets, records, documents, writings and proceedings, in said suits and matters pending as aforesaid, or that may be pending in said supreme court or court of chancery for the second circuit, originating in said county of Monroe, shall be transferred to the court of chancery and supreme court of the first circuit respectively, as they may severally have jurisdiction, and be taken possession of or remain in the custody of the clerk of the said supreme court and

Appearance.

court of chancery respectively, for the first circuit; and all parties who are or would have been by reason of said suits, causes, actions, matters, or process, hereby transferred, holden or required to appear in the said supreme court or court of chancery for the second circuit, where the said suits and causes are pending upon the taking effect of this act, shall be holden or required to appear before the said court of chancery, and supreme court respectively, as they may respectively have jurisdiction in such cases:

Provided.

Provided, That said supreme court for the first circuit shall have jurisdiction of any of said suits so transferred as aforesaid, in which the chancellor may be a party or in which he may have been concerned as counsel or solicitor, and such supreme court shall proceed to hear, try and determine the same as aforesaid.

Transfer of
causes arising
in Monroe
county.

Sec. 2. *And be it further enacted,* That all causes, matters or things, either at law or in chancery, which have arisen or may arise in the county of Monroe, and cognizable in the supreme court in the state, shall be hereafter commenced, heard and determined according to law in the supreme court or court of chancery for the first circuit, as they respectively may have jurisdiction thereof, for which purposes only said county of Monroe is hereby attached to said first circuit.

Suits in
which the
chancellor
may be a
party.

Sec. 3. *And be it further enacted,* That all suits at law, certioraries and other proceedings, and also all suits and matters in chancery, in which the chancellor of the state may be a party or concerned as counsel, heretofore commenced or pending in the supreme court of the territory of Michigan, and still undetermined, shall be, and the same are hereby transferred to the su-

preme court of the state for said first circuit, and all such chancery cases commenced or pending in said late supreme court, and still undetermined, as the said chancellor may not have been a party in or been concerned as counsel, shall be, and the same are hereby transferred to the court of chancery for said first circuit, and said courts respectively shall have cognizance thereof, and shall proceed to hear, try and determine the same as if originally commenced in said court. And the better to give effect to the provisions of this section, it shall be the duty of the said chancellor, in all cases in which he may be interested, or was concerned as counsel as aforesaid, and which cases would otherwise be and remain before him for trial or disposition, to cause to be inserted upon the journal and records of his said court, the fact of his being interested therein, or of his having been of counsel as aforesaid, (as the case may be,) and thereupon to order the said suit, matter or cause to be transferred as aforesaid to said supreme court of said state for the said first circuit, at the next term thereof, together with a certificate of the fact aforesaid, whereupon said supreme court shall forthwith thereafter take cognizance thereof.

Chancery cases pending in sup. court transferred.

Duty of chancellor when interested.

Approved February 11, 1837.

[No. XVIII.]

AN ACT to amend an act entitled "An act fixing the rate of toll for grinding," approved April 12, 1837.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of the act to which this act is amendatory as entitles the owners or occupiers of all grist mills moved by wind, water or steam, to the one-eighth part of corn ground in said mills, be, and the same is hereby repealed.

Repeal.

Sec. 2. The owners or occupiers of such mills as are above specified in the preceding section of this act, shall hereafter be entitled to take or receive for grinding the same, one-tenth part of all corn ground in said mills, and no more.

One-tenth allowed for grinding.

Approved February 16, 1837.

[No. XIX.]

AN ACT appointing commissioners to lay out and establish a state road from Dexter, in the county of Washtenaw, to Lyons, at the mouth of the Maple, in the county of Ionia.

Route of road. *Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be a state road laid out and established from Dexter, in the county of Washtenaw to the county seat of Ingham county, and from thence by the most direct and eligible route to the village of Lyons, at the mouth of the Maple. **Commissioners.** And that Solomon Southerland, of Unadilla, Edward Lyon and A. Crossman, of Dexter, be, and they are hereby appointed commissioners for that purpose.

Expenses. *Sec. 2.* That in laying and establishing said road, the state shall not be liable for the expenses or damages incurred thereby.

Limitation. *Sec. 3.* That if the commissioners shall not have performed the duty imposed upon them by the first section of this act, before the first day of January, eighteen hundred and thirty-nine, and all other things required by the existing laws, in relation to the laying out of state roads, then this act shall be void and of none effect.

Approved February 16, 1837.

[No. XX.]

AN ACT to provide for a geological survey of the state.

Appointment *Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the governor is hereby authorized and directed to nominate, and by and with the advice and consent of the senate, to appoint a competent person, whose **Duties.** duty it shall be to make an accurate and complete geological survey of this state, which shall be accompanied with proper maps and diagrams, and furnish a full and scientific description of its rocks, soils and minerals, and of its botanical and geological productions, together with specimens of the same; which maps, diagrams and specimens shall be deposited in the state library, and similar specimens shall be deposited in such literary and scientific institutions as the governor shall direct; and the governor is fur-

ther authorized to appoint from time to time, as the exigencies of Appointment of assistants. the case may require, competent persons to act as assistants under the direction of the geologist.

Sec. 2. A sum not exceeding three thousand dollars for the Appropriations. year one thousand eight hundred and thirty-seven, a sum not exceeding six thousand dollars for the year one thousand eight hundred and thirty-eight, a sum not exceeding eight thousand for the year one thousand eight hundred and thirty-nine, and a sum not exceeding twelve thousand for the year one thousand eight hundred and forty, is hereby appropriated to defray the expenses that may be incurred under this act, which sums shall be paid out of the treasury from any money not otherwise appropriated, at such times, and in such sums as the governor may direct; and an account of all the expenditures of each year shall be annually reported to the legislature.

Sec. 3. The geologist, appointed under the provisions of this Report. act, shall make a report annually to the legislature, on the first Monday of January, in each year, setting forth generally the progress made in the survey hereby authorized.

Approved February 23, 1837.

[No. XXI.]

AN ACT to provide for recording patents for land, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That it shall be the duty of the register of deeds in the several counties of this state, to receive for Registers to record patents. record and record all patents for land from the United States, in the same manner as by the existing law he is required to receive and record deeds and conveyances.

Sec. 2. The record of a patent recorded in the register's office, or a transcript of such record certified by the register in whose office the same may be recorded under his hand, may be read in evidence in any court in this state, without further proof thereof. Record or transcript legal evidence.

Approved February 23, 1837.

[No. XXII.]

AN ACT to alter the terms of the circuit courts in the first circuit.

Terms of circuit court, 1st circuit.

St. Clair.
Macomb.
Lapeer.
Genesee.
Saganaw.
Oakland.
Wayne.
Mackinac.
Chippewa.

Causes &c. transferred.

Repeal.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the terms of the circuit courts for the several counties in the first circuit, shall be holden as follows: for the county of St. Clair, on the first Tuesday of April and October; for the county of Macomb, on the second Tuesday of April and October; for the county of Lapeer, on the third Tuesday of April and October; for the county of Genesee, on Thursday after the third Tuesday of April and October; for the county of Saganaw, on the fourth Tuesday of April and October; for the county of Oakland, on the first Tuesday of May and November; for the county of Wayne, on the third Tuesday of May and November; for the county of Michilimackinac, on the second Monday of July; and for the county of Chippewa, on the second Wednesday after the second Monday of July.

Sec. 2. All causes and other matters pending in either of said courts, and all writs or process issued or to be issued before the first day of April next, and made returnable at any time fixed by law for either of said courts at the time this act is passed, shall be continued to, or returnable at the term hereby established for the same court, and shall be proceeded in by said court as fully and effectually as though the same had been regularly continued to or made returnable at the term of said court hereby established. So much of any act as contravenes this act, or any part thereof, is hereby repealed.

Approved February 25, 1837.

[No. XXIII.]

AN ACT to vacate the present seat of justice of the county of Berrien, and to establish the same at the village of Berrien, in said county.

County seat of Berrien vacated.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the present seat of justice of the county of Berrien, be, and the same is hereby, vacated from and after the first day of May, in the year of our Lord one thousand eight hundred and thirty-seven.

Sec. 2. That from and after the said first day of May, in the year aforesaid, the seat of justice of said county shall be, and the same is hereby, established at the village of Berrien, in said county, as recorded in the register's office of Cass county; and the board of supervisors of said county are hereby authorized and empowered, from and after the said first day of May, to designate and fix the site for the erection of county buildings for said county, in the village of Berrien aforesaid, upon such lots in the said village of Berrien as may be conveyed by the proprietors of said village for that purpose to the supervisors of said county and their successors in office: *Provided always*, That this act shall not take effect until after the proprietors of said village of Berrien shall have reimbursed to the former and present proprietors and inhabitants of the village of St. Joseph such sums as they may have expended in the erection of public buildings in said village, and all moneys paid to the commissioners for locating the county seat at St. Joseph, to be ascertained and stated by the said board of supervisors, at a meeting of said board to be holden on the third Tuesday of April next: *And provided further*, That the title to said lots or such other lots as a majority of said supervisors shall elect for public purposes, shall have been previously vested in said county by proper deeds of conveyance.

Established
at the village
of Berrien.

County
buildings.

Proviso:

Sec. 3. All lots in the village of St. Joseph, which, agreeably to the original plot of said village as recorded in the register's office in Cass county, were donated to the county, to enable the county to erect county buildings thereon, shall revert and vest in the persons donating the same, and their representatives, whenever and as soon as the county seat shall be removed from St. Joseph, and all title and claim to said lots, either in law or in equity, shall be deemed to be cancelled and extinguished, any deed which may have been made to the county to the contrary notwithstanding.

All lots given
for Co. build-
ings, to re-
vert to the
donors.

Approved February 25, 1837.

[No. XXIV.]

AN ACT to incorporate the village of Coldwater, in the county of Branch.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan* That all that tract of land in

Limits.

the county of Branch, which is embraced within the following limits, to wit: beginning at a point on the Chicago road, one-half of a mile east of the centre of the public square, in the village of Coldwater, as designated on the recorded plat of said village, running south, twelve degrees west, two hundred and forty rods to a stake and stones; thence north, seventy-eight degrees west, four hundred and twenty-five rods to a stake and stones; thence north, twelve degrees east, four hundred rods to a stake and stones; thence south, seventy-eight degrees east, four hundred and twenty-five rods to a stake and stones; thence south, twelve degrees west, to the place of beginning, excepting so much of section sixteen as may be included within said boundaries, be, and the same is hereby constituted a town corporate, and shall hereafter be known by the name or title of the village of Coldwater.

Election of officers.

Sec. 2. It shall be lawful for the free male inhabitants of said town, having the qualifications of electors, to meet at the Central Exchange, in said village of Coldwater, on the first Monday of May next, and on the first Monday of May annually thereafter, and then and there proceed by a plurality of votes, to elect by ballot, a president, recorder and six trustees, who shall hold their offices one year, and until their successors are elected and qualified; and any five of them shall be a board for the transaction of business, but a less number may adjourn from time to time: *Provided*, That if an election of president, recorder and trustees shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter prescribed.

Proviso.**First election**

Sec. 3. At the first election to be holden under this act, there shall be chosen *viva voce*, by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation faithfully to discharge the duties required of him by this act; and at all subsequent elections, the trustees or any two of them shall be judges, and the recorder clerk of the election; and at all elections to be held under this act, the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and close at three o'clock in the afternoon, of said day; and at the close of the polls, the votes shall be counted, and a true statement thereof proclaimed to the electors present, by one of the judges, and the clerk shall

Mode of elections.

make a true record thereof; and within five days after such election, the said clerk shall give notice to the persons elected, of their election. And it shall be the duty of the said president and trustees, at least five days before each and every annual election, to give notice of the same by posting up notices in three public places in said town. Notice.

Sec. 4. It shall be the duty of the president, (or if absent) one of the trustees, to preside at all meetings of the corporation, whether annual or special, and at all meetings of the trustees; and it shall be the duty of the recorder, or in his absence, of a deputy appointed by him, to attend all such meetings, and keep a fair and accurate record of all their proceedings. Presiding officer.
Records.

Sec. 5. The president, recorder and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the president and trustees of the village of Coldwater, and shall be capable in law in their corporate name, to acquire property real and personal, for the use of said village; sell and convey the same; may have a common seal, which they may alter at pleasure; may sue and be sued, defend and be defended in any court of competent jurisdiction; and when any suit shall be commenced against said corporation, the first process shall be by summons, and an attested copy shall be left with the recorder, at least eight days before the return day thereof. Incorporation.

Sec. 6. The officers elected by virtue of this act, shall each, before entering on the duties of his office, take an oath or affirmation to support the constitution of the United States and of this state, and also faithfully to discharge the duties of his office. Oath of office.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules, and regulations for the government of said village, and the same to alter, repeal, or re-ordain at pleasure; and to provide in said by-laws for the election of a treasurer, two assessors, a village marshal, and other subordinate officers, which may be thought necessary for the good government and well being of said village; to prescribe their duties, declare their qualifications and determine the period of their appointment, and the fees they shall be entitled to receive for their services, and require of them to take an oath or affirmation faithfully and impartially to discharge the duties of their respective offices, and may require of them such security for the performance of the duties of Powers.

their respective offices as shall be thought necessary: said president and trustees shall also have power to affix to the violation of the by-laws and ordinances of the corporation, such reasonable fines and penalties as they may deem proper, and to provide for the disposition of said fines and penalties: *Provided*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively, in a newspaper printed in said county, or by written notices posted up in three of the most public places in said village.

Annual account of expenditures.

Sec. 8. The president and trustees shall, at the expiration of each year, cause to be made out and published a detailed account of the receipts and expenditures of the preceding year.

Taxation.

Sec. 9. The electors of said village, in legal meeting assembled, shall have power to lay taxes on all personal and real estate within the limits of said corporation, not exceeding one half of one per centum upon said estate, in any one year; to regulate and improve the streets, lanes and alleys, also to lay out new streets, lanes and alleys, and to determine the width of the side walks:

Proviso.

Provided, no property shall be taken from any individual, until said individual shall be paid therefor, the value thereof to be ascertained by twelve disinterested freeholders, to be summoned by the marshal for that purpose. They shall have power to remove

Nuisances.

all nuisances and obstructions from the streets and commons, and all other places of said village, and to provide for the removal of the same, and to do all things which corporations of a similar nature can do, to secure the peace, health, property and prosperity of the inhabitants of said town.

Meeting, how called.

Sec. 10. All meetings called for the purposes contemplated in the preceding section of this act, shall be called by the president, or in his absence, by the senior trustee, by posting up written notices in three of the most public places in said village, at least three days previous to holding said meeting; said notices shall specify the time and place of holding said meeting, and the purposes for which such meeting is called.

Fees.

Sec. 11. The president, trustees and recorder shall receive such fees for their services as a majority of the electors, at their regular annual meeting, shall determine.

Collection of taxes.

Sec. 12. It shall be the duty of the president and trustees to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the real and personal estate of such

individual within said corporation; which duplicate shall be signed by the president and recorder, and delivered to the marshal, or such other person as shall be appointed collector, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct.

Mode of collecting taxes.

Sec. 13. The said collector shall have power to sell personal estate, and for want thereof, to sell real estate, for the non-payment of taxes within said corporation, and in case of the sale of real estate, the said collector shall prosecute the sale in the same manner, and with the same effect, in all respects as is provided by law for the sale of real estate by sheriff; and all real estate so sold, shall be liable to be redeemed, in the same manner as lands sold by the sheriff, may be redeemed.

Redemption.

Sec. 14. The said village shall be allowed the use of the common jail of the county of Branch, for the imprisonment of any person liable to imprisonment under the ordinances of said corporation, and all persons committed to said jail, shall be under the charge of the sheriff, as in other cases.

Village allowed the use of the county gaol.

Sec. 15. This act shall be favorably construed, and received in all courts of justice, as a public act; and copies thereof printed under the authority of the legislature, shall be received as evidence, without further proof.

Public act.

Sec. 16. This act may be altered, amended, or repealed by any future legislature, with the assent of two-thirds of both houses.

Power of repeal.

Approved February 29, 1837.

[No. XXV.]

AN ACT to provide for the appointment of State Printer, and to prescribe his powers and duties.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be an officer of this state, to be called the state printer, who shall be appointed by a concurrent vote of the senate and house of representatives, and hold his office until removed by a like vote.

State printer, how appointed, term of office.

Sec. 2. He shall print at the seat of government, a weekly newspaper, which shall be deemed the state paper whenever the same is or shall be referred to in the laws of this state.

State paper.

Publication
of the laws.

Sec. 3. He shall publish forthwith in said paper, every certified copy of a law which shall be delivered to him for that purpose by the secretary of state, who shall furnish the same immediately on the passage thereof, a proof copy of which shall be furnished to the secretary, to be by him revised and corrected.

Laws printed
in state
paper legal
evidence for
six months.

Sec. 4. Every law so published may be read in evidence from the paper in which it shall be contained in all courts of justice in this state, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, for six months after the adjournment of the session in which it became a law.

Duties.

Sec. 5. He shall publish in said paper all proclamations of the executive; all general militia orders; the current accounts and statements furnished the legislature from time to time by the state treasurer and auditor general, and all such other public documents as may at any time be required by the executive, secretary of state, treasurer or auditor general.

Notices, &c.

Sec. 6. He shall publish without delay in said paper, at the expense of the person or company requiring such publication, upon being paid therefor in advance, all notices and advertisements delivered to him for that purpose, which by law are or shall be required to be published in the state paper.

Printing of
bills &c.

Sec. 7. He shall print for the use of the members of the legislature during its session one hundred and sixty copies of every bill, report, memorial, or other document, the printing of which shall be ordered by either house, and when an extra number of copies shall be ordered he shall in like manner print the same. The copies so printed shall be delivered by him to the proper officers of the respective houses.

Volumes of
the laws to be
printed annually.

Sec. 8. He shall print in volumes of the octavo size so many copies of the laws of each session, with the concurrent resolutions and indices that shall be delivered to him for that purpose by the secretary of state, as shall be annually directed by the secretary, who shall also revise and correct the proof sheets.

Laws delivered bound.

Sec. 9. He shall deliver such copies, bound in boards, to the secretary of state within three months after the close of the session in which such laws and concurrent resolutions were passed.

Volumes of
laws legal
evidence.

Sec. 10. All laws passed by the legislature may be read in evidence from the volumes printed by the state printer, in all courts of justice in this state, and in all proceedings before any offi-

cer, body, or board, in which it shall be thought necessary to refer thereto.

Sec. 11. He shall, within six months after the close of each session, print five hundred copies of the journals of each house, ^{Printing journals of both houses.} under the supervision of its respective secretary or clerk, which shall be delivered by him bound in boards to the secretary of state: *Provided*, That in case of the resignation or other inability of the secretary or clerk to superintend the printing of their respective journals during vacation, the president or speaker of the respective houses, shall appoint a secretary or clerk pro tempore, until the next ensuing meeting of the legislature. ^{Proviso.}

Sec. 12. All printing required by law, or by any concurrent resolution of the senate and house of representatives, or by any resolution of either house to be done for this state, or for either of the executive officers thereof who are required by law to hold their offices at the seat of government, shall be executed by the state printer, unless otherwise specially provided for by law. ^{Further duties.}

Sec. 13. For the services performed for the state under the provisions of this act, said printer shall receive such compensation as shall be provided for by the legislature in the appropriation bill or bills of each session: *Provided*, said compensation shall not exceed the amount to which said printer would be entitled by the current prices for printing. ^{Compensation.}

Sec. 14. For publishing such notices and advertisements as are or shall be required by law to be published in the state paper, he shall receive not more than fifty cents per one hundred words, for the first insertion and twenty cents for each subsequent insertion. ^{Prices of notices and advertisements}

Sec. 15. So much of the act approved March 16, 1836, as requires notices of application to the legislature to be published in the state paper is hereby repealed: *Provided*, such notice be published in a paper printed in the county from which such application is to be made. ^{Repealing clause.} ^{Proviso.}

Approved March 3, 1837.

[No. XXVII.]

AN ACT in relation to the last will and testament of Joseph Salato.

Will legalized.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the last will and testament of Joseph Salato, late of the county of Calhoun, in this state, executed on the fifteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and to which, there are but two subscribing witnesses, be, and the same is hereby made as valid in law as if it had been witnessed by three persons, according to the statute in such case made and provided; and that the judge of probate of said county is hereby authorized to take the usual proof as to the authenticity in other respects of said will, and grant probate thereon if he shall deem proper.

Provido.

Relinquishment.

Sec. 2. All right, title and interest of this state in and to the real and personal estate of said Joseph Salato is hereby released, and forever quit-claimed.

Restriction.

Sec. 3. Nothing in this act shall be so construed as to affect the claim of any heirs of the said Salato.

Approved March 4, 1837.

[No. XXVIII.]

AN ACT to incorporate the Detroit and Pontiac turnpike company.

Commissioners.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William Morris, Benjamin B. Morris, John W. Hunter, John S. Axford and William G. Stone be, and they are hereby, appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Detroit and Pontiac turnpike company, hereby incorporated, and they shall cause books to be opened at Hamilton's tavern, so called, in the township of Bloomfield, and county of Oakland, for the space of two successive days, at such time as a majority of them shall direct, for the purpose of receiving subscriptions to the capital stock of said company; first giving five days notice of the time and place of taking such subscriptions, by posting up notices thereof in Detroit, Bloomfield, Pontiac

Books opened.

Notices.

and Rochester; and the subscribers thereto, their successors and assigns, for the period of twenty years after the passage of this act, be, and the same are hereby, ordained, constituted and declared to be a body politic and corporate, under the name of the Detroit and Pontiac turnpike company; and by that name they and their successors, for the period aforesaid, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal; and that they and their successors, by the name aforesaid, shall in law be capable of purchasing and holding any lands, tenements, hereditaments and real and personal estate whatsoever: *Provided*, That it shall be necessary for the construction, preservation, or repair of said road, or the erection of toll-gates and all toll-houses thereon.

Intorporation.

Privileges.

Powers.

Sec. 2. The capital stock of said company shall be twenty-five thousand dollars, to consist of and be divided into five hundred shares, of fifty dollars each.

Capital stock.

Sec. 3. For conducting the business of said company, which shall be the improvement of the present Saginaw turnpike, from the city of Detroit to Hamilton's tavern, in the town of Bloomfield, in the county of Oakland, there shall be three directors, one of whom they shall annually elect their president, who shall hold their offices for one year, or until others shall be elected in their stead. That Benjamin B. Morris, William Morris and John W. Hunter, becoming stockholders in said company, shall be the first directors, that Benjamin B. Morris, be the president for the present year. That the election of directors shall be held on the third Tuesday of January, at such time and place as the directors shall determine, a notice thereof being first given by publication in some newspaper, at which meeting each stockholder may vote in person or by proxy, each share being entitled to one vote: *Provided*, That this corporation shall not be deemed to be dissolved by reason that the annual election is not held at the time above mentioned.

Officers.

First directors.

Proviso.

Sec. 4. That for the furtherance of the object of this corporation, and for the promotion of internal improvements, the said company be, and they are hereby, authorized to take immediate

Power to occupy Saginaw turnpike.

possession of the Saginaw turnpike, from the city of Detroit to Hamilton's tavern, in the town of Bloomfield, in the county of Oakland, one hundred feet in width ; that they shall cause the present Saginaw road to be so improved of a convenient width as to make the same a good turnpike at all seasons of the year ; they shall have power, and are required to cut a ditch on either or both sides of said road sufficiently deep to drain the water from said road and the marshes adjoining, and carry it off from the said road into the Detroit river, if said company shall deem it advisable ; and that said road shall be completed in good and workmanlike manner, and that the said ditches on either side, whenever other roads intersect the said turnpike, shall be so constructed and covered as to allow the convenient passage of carriages and sleighs.

Sec. 5. That so soon as the president and directors shall have completed the said road, or ten miles thereof, it shall be lawful for the said president and directors to give notice thereof to the person administering the executive department of the government of this state for the time being, who shall thereupon forthwith nominate and appoint three discreet freeholders commissioners, who are in no way interested in said road, to view the same, and to report to him in writing whether such part of the road is completed in a workmanlike manner, according to the true intent and meaning of this act; and if the report shall be in the affirmative, it shall be the duty of the person administering the executive department of the government for the time being in this state, and he is hereby required, by license under his hand and the seal of this state, to permit the said president and directors to make and erect so many gates and turnpikes upon and across said road as may be necessary and sufficient to collect the duties and tolls hereinafter granted to the said corporation from all persons travelling or using the same: *Provided, however,* That they shall not have on said turnpike, from Detroit to Hamilton's tavern, more than one gate for taking whole toll, and two gates for taking half toll, or in that proportion for so much of said road as may at the time be finished; only two of which, one for taking whole and the other for taking half toll, shall at any time be placed between the city of Detroit and where said turnpike is intersected by the Paint Creek road, so called.

Improvement, how made.

View of road on completion.

Report.

Licence to erect gates and collect tolls.

Restriction.

Sec. 6. That so soon as the whole or part of said road shall be completed, and permission so as aforesaid granted to erect a gate or gates upon and across the same, it shall and may be lawful for the said president and directors to appoint toll-gatherers to collect and receive of and from all and every person and persons using the said road, at each and every of the said whole toll-gates, and at each half toll-gate in proportion, such tolls and duties, to wit: for every score of hogs or sheep, fifteen cents; for every score of cattle, horses and mules, forty cents; for every wagon with two horses, mules or oxen, twelve and a half cents; for every additional horse, mule or ox, two cents; for every coach, pleasure wagon or pleasure carriage, with two horses, eighteen cents, and for every additional horse, five cents; for every chair, sulky, or pleasure carriage, with one horse, twelve and a half cents, and for every additional horse, five cents; for every cart drawn by two oxen, nine cents, and for every additional yoke, four cents; for every horse or mule, rode, led or driven, six cents; for every cart drawn by one horse, six cents; for all sleighs or sleds drawn by one or more horses, mules or oxen, half the toll for vehicles on wheels; for every horse or mule and rider, six cents. And it shall and may be lawful for any toll-gather to stop and detain any person riding, leading or driving any horses, cattle or sheep, or article named above in this section as subject to pay toll, until the same is paid: *Provided, however,* That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate, of or from any person passing to or from public worship on Sundays, or going to or returning from funerals, or going to or from a grist-mill for the grinding of grain for the family use, or from any troops in the service of this state or the United States, or for the transportation of any and all the property belonging to the United States or this state.

Sec. 7. The said corporation shall cause mile stones or posts to be erected and maintained, one for every mile of said road, from Detroit north towards Hamilton's; and on each stone or post shall be legibly marked or inserted the distance the said post is from Detroit; and shall also erect and maintain guide boards at the intersection of all public roads leading into or intersecting said turnpike, on which shall be inscribed the name of the place to which such road leads; and if any person shall wilfully cut, injure, or destroy

Toll gather-
ers.

Rates of toll.

Detention.

Free tolls.

Mile stones.

Penalty for
injury to
works.

said mile posts, guide boards, or said road itself, or shall forcibly pass the gates without payment of toll, such person or persons shall forfeit and pay for every such offence twenty-five dollars, to be recovered by the said corporation in their corporate name, and for their benefit, in an action of debt, before any justice of the peace in the county where said offence is committed, or where the offender may be found.

Penalty for unreasonable detention.

Sec. 8. That if any toll-gatherer shall unreasonably detain or hinder any traveller or passenger at either of the said gates, or shall demand or receive more toll than by this act is established, he shall for every such offence forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattels can be found to satisfy such judgment and cost, then and in that case the personal property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if such execution was against said company in its corporate name.

Proviso.

Shares personal estate.

Sec. 9. The shares of said turnpike shall be deemed and considered to be personal estate, and shall be transferable in such manner as the president and directors may direct.

Proceedings when road is out of repair.

Sec. 10. Whenever complaint shall be made to either of the three commissioners appointed in pursuance of the provisions of this act, that any part or parts thereof is out of repair, it shall be the duty of such commissioner to give notice to the other two commissioners, who shall proceed to examine such part of said road and view the same, and if the same shall in the opinion of such commissioners be out of repair, then the said commissioners shall give notice in writing of such defect to the toll-gatherer or person attending the gate nearest the place so out of repair, and may also, in his discretion, in the said notice, order such gate or gates to be thrown open, and the said gate or gates so ordered to be thrown open, shall immediately after service of such notice as aforesaid, be open and remain open; and no tolls shall be demanded until after the said road is put into complete and perfect repair; and if such keeper of the gate shall not immediately after the receipt of such notice open such gate, and keep the same open until such repairs are completed, or shall hinder or detain any person or persons in passing said gates, or shall take or demand toll from

Gates thrown open and remain open until repaired.

any person or persons after receiving such notice and until such repairs are completed as aforesaid, the toll-gather or gate-keeper so detaining any person as aforesaid, shall forfeit and pay to the said person so detained as aforesaid, the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt, before any justice of the peace in any town where said detention occurs, and the property of said company shall be liable on said judgment, and the same may be taken on such execution in the same manner as if the same were against said company in its corporate name; and the commissioners appointed under and by virtue of this act, shall receive as a compensation for their services, twelve shillings per day for every day they are employed, to be paid by the toll-gatherer of the gate nearest to where the service was rendered, out of the moneys collected at such places, and in default of such payments by said toll-gatherer, said company shall individually be liable to said commissioners.

Penalty for detention.

Compensation of commissioners.

Sec. 12. The said board of directors shall keep a set of corporate books, open at all times to any or all of the stockholders, in which shall be entered the cost of the construction of said road and fixtures, also all the expenditures of said company, and all moneys by them received; and an accurate account of the same shall be submitted to the legislature, duly attested by the oath of the officers of said company, whenever it shall be required; that said directors shall make a semi-annual dividend to each and every stockholder of his proportion of the semi-annual profits, after deducting the expenses of repairing said road, and the fixtures thereto appended.

Corporate books.

Entries.

Dividends.

Sec. 12. The said board of directors have power to establish such by-laws and regulations as may be necessary for the management of the affairs of said company, and may appoint a secretary and treasurer to the board, and generally may do all further acts necessary to carry into full force and effect the objects of this incorporation.

By-laws.

Secretary and treasurer.

Sec. 13. The state of Michigan be, and is hereby authorized and empowered at any time hereafter, to purchase of said company the turnpike aforesaid, and all the benefits and privileges accruing therefrom to said company: *Provided*, That if at the time the state shall purchase the road, the company shall have received twelve per cent. per annum net profit on the original cost of construction of said road and fixtures, the said company shall sur-

Power of state to purchase.

Proviso.

render said road and fixtures on receiving only the original cost of making the same.

Obstructions. Sec. 14. The said company in taking possession of said turn-pike road for the purpose of improving the same, and in making said improvements thereon, no obstruction or difficulties shall be allowed to prevent or impede the passage of travellers, coaches or wagons while such improvements are going on, excepting such as are absolutely necessary for the construction, and that no unnecessary delay shall occur in the progress and completion of said road.

Limitation. Sec. 15. If said company shall not finish and complete that part of said road lying between Detroit and Royal Oak tavern, within twelve months, and the remainder of said road within eighteen months after the passage of this act, or if either of the toll-gates on said road shall be kept open for the period of three months after notice is given that said road is out of repair, agreeable to the provisions of the tenth section of this act, then and in either case the powers and privileges granted to said company by this act, shall cease and be null and void.

Approved March 8, 1837.

[No. XXIX.]

AN ACT to incorporate the village of White Pigeon.

**Corporate
limits.**

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all the land in St. Joseph county described in the following boundaries, is hereby constituted a village corporate, by the name of the "Village of White Pigeon," viz: beginning at the north-east corner of the west half of the south-east quarter of section six, in township eight, south of range eleven west; thence south to White Pigeon creek; thence down said creek, with the meanders thereof, to the west side of the east half of the north-east fractional quarter of section twelve in township eight, south of range twelve west; thence north to the north-east corner of the west half of the north-east quarter of section one in township eight, south of range twelve west; thence east to the place of beginning.

Sec. 2. It shall be lawful for the qualified electors of said village to meet at the school-house on the first Monday of May next,

and on the first Monday of May annually thereafter, at such place in said village as the president and trustees shall appoint, and then and there proceed by plurality of votes to elect by ballot a president, recorder and six trustees, who shall hold their offices one year and until their successors are elected and qualified; and any five of them shall be a board for the transaction of business, but a less number may adjourn from time to time: *Provided*, That if any election of president, recorder and trustees, shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice to be given in manner hereinafter prescribed.

Sec. 3. At the first election to be holden under this act, there shall be chosen *viva voce*, by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation faithfully to discharge the duties required of him by this act; and at all subsequent elections the trustees, or any two of them, shall be judges, and the recorder clerk of the election; and at all elections to be holden under this act the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and close at three o'clock in the afternoon of said day, and at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the electors present by one of the judges; and the clerk shall make a true record thereof, and within five days after such election the said clerk shall give notice to the persons elected of their election; and it shall be the duty of the said president and trustees, at least five days before each and every annual election, to give notice of the same, by posting up notices in three places in said village.

Sec. 4. It shall be the duty of the president (or if absent of one of the trustees) to preside at all elections, whether annual or special, and at meetings of the trustees; and it shall be the duty of the recorder, or a substitute appointed by him, to attend all such meetings, and to keep a fair and accurate record of all their proceedings.

Sec. 5. The president, recorder and trustees shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of "The President and Trustees of the Village of White Pigeon;" and shall be capable in law, in their

Privileges. corporate name, to acquire such property, real and personal, as shall be necessary for the use of said corporation; sell and convey the same; may have a common seal, which they may alter at pleasure; may sue and be sued, defend and be defended in any court of competent jurisdiction; and when any suit shall be commenced against said corporation, the first process shall be by summons, and an attested copy thereof shall be left with the recorder at least eight days before the return day thereof.

Suits.

Oaths. Sec. 6. The officers elected by virtue of this act shall each, before entering upon the duties of his office, take an oath or affirmation to support the constitution of the United States and of this state, and also faithfully to discharge the duties of his office.

Powers. Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations for the government of said village, and the same to alter, repeal, or re-ordain at pleasure; and to provide in said by-laws for the election of a treasurer, two assessors, a village marshal and other subordinate officers which may be thought necessary for the good government and well being of said village; to prescribe their duties, declare their qualifications, and determine the period of their appointments, and the fees they shall be entitled to receive for their services, and to require of them to take an oath or affirmation faithfully and impartially to discharge the duties of their respective offices, and may require of them such security for the performance of their respective offices as shall be thought necessary; said president and trustees shall also have power to affix to the violation of the by-laws and ordinances of the corporation, such reasonable fines and penalties as they may deem proper, and to provide for the disposition of such fines and penalties; *Provided always*, such by-laws and ordinances are consistent with the constitution and laws of the United States, and the constitution and laws of this state: *And provided also*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county, or by written notices posted up in three of the most public places in said village.

Proviso.

Notices.

Annual account of receipts and expenditures. Sec. 8. That the president and trustees shall, at the expiration of each year, cause to be made out and published a detailed account of the receipts and expenditures of the preceding year.

Sec. 9. The electors of said village, in legal meeting assembled, shall have power to regulate and improve the streets, lanes, alleys and public squares, also to lay out new streets, lanes and alleys, and to determine the width of the side walk: *Provided*, That no property shall be taken from any individual until said individual shall be paid therefor, the value thereof to be ascertained by twelve disinterested freeholders to be summoned by the marshal for that purpose; they shall have power to remove all nuisances and obstructions from the streets and commons, and all other places of said village, to provide for the removal of the same, and to do all things which corporations of a similar nature can do to secure the peace, health, property and prosperity of the inhabitants of said village.

Meeting of electors.

Appraisal of property taken for corporate purposes.

Powers of clerks.

Sec. 10. The recorder shall receive such fees for his services, as the by-laws and ordinances of said corporation shall prescribe; but the president and trustees shall receive no pecuniary compensation.

Compensation of recorder.

Sec. 11. For the purpose of enabling the president and trustees to carry into effect the provisions of this act, they are hereby authorized to lay such tax as may be voted by vote of the electors of said village on all real and personal estate within the bounds of the corporation, as the same has been or shall be appraised: *Provided*, That the said tax shall not exceed in any one year, one half of one per centum of the aggregate amount of real and personal estate within the limits of said village; and the said electors shall, between the first Mondays of May and June, in each year, determine the amount of tax to be assessed and collected the current year.

Taxation.

Limit of tax.

Assessment, when and how made.

Sec. 12. It shall be the duty of the president and trustees to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the real and personal estate of such individual within said village; which duplicates shall be signed by the president and recorder, and delivered to the marshal, or such other person as shall be appointed collector, whose duty it shall be to collect the same within such time, and in such manner as the by-laws shall direct.

Tax lists.

Sec. 13. The said collector shall have power to sell personal estate, and for the want thereof, to sell real estate for the non-payment of taxes within said village; and in case of the sale of real estate, the said collector shall prosecute the sale in the same man-

Power to sell for non-payment of taxes.

ner, and with the same effect, in all respects, as is provided by law for the sale of real estate for county and township taxes; and all real estate so sold, shall be liable to be redeemed in the same manner as lands sold for such taxes may by law be redeemed.

Corporation
allowed use
of the county
jail.

Sec. 14. The said corporation shall be allowed the use of the common jail of the county of St. Joseph, for the imprisonment of any person liable to imprisonment under the ordinances of said corporation, and all persons so committed to said jail, shall be under the charge of the sheriff, as in other cases.

Construction
of this act.

Sec. 15. This act shall be favorably construed and received in all courts of justice as a public act, and copies thereof, printed under the authority of the legislature, shall be received as evidence, without further proof.

Power of re-
peal, &c.

Sec. 16. This act may be altered, amended, or repealed, by the concurrence of two-thirds of both houses of the legislature.

Approved March 8, 1837.

[No. XXX.]

AN ACT authorizing the supervisors of the county of Lapeer to loan a certain sum of money.

Loan author-
ized, not ex-
ceeding \$10,-
000.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors for the county of Lapeer be and they are hereby authorized and empowered, on the credit of said county, to negotiate a loan for the purpose of erecting such county buildings, at the place designated by the commissioners as the county site for said county, as they may deem necessary for the use of said county, not exceeding the sum of ten thousand dollars, at an interest not exceeding seven per cent. per annum, and for a term not exceeding fifteen years; which said sum shall be laid out and expended for the purpose aforesaid, by and under the direction of the said board of supervisors: *Provided*, A majority of the qualified electors of said county shall, at the annual election in April next, vote for the same.

Interest.
Term.

Proviso.

Approved March 6, 1837.

[No. XXXI.]

AN ACT to organize certain townships.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that portion of the county of Lapeer, designated in the United States' survey as township number eight, north of range eight east, and the north half of township number seven north of range eight east, be, and the same is hereby, set off and organized into a separate township, by the name of Richfield; and the first township meeting therein, shall be held at the house of Draper and Wetherbee, in said township.

Organization
of Richfield
township,
Lapeer co.

Sec. 2. All that portion of the county of Ingham lying west of the principal meridian, and comprising townships one, two, three and four north of ranges one and two west, be, and the same is hereby, set off and organized into a separate township, by the name of Aurelius; and the first township meeting therein, shall be held at the house of Elijah Woodworth, in said township.

Aurelius
township,
Ingham co.

Sec. 3. All that portion of the county of Van Buren, known as township number three south of range thirteen west, be, and the same is hereby, set off and organized into a separate township, by the name of Antwerp; and the first township meeting therein shall be held at the house of Philip Williams, in said township.

Antwerp
township,
Van Buren
county.

Sec. 4. All that portion of the county of Kalamazoo comprising township number one south of range eleven and twelve west, be, and the same is hereby, set off and organized into a separate township, by the name of Cooper; and the first township meeting therein shall be held at the house of William Finch, in said township.

Cooper
township,
Kalamazoo
county.

Sec. 5. All that portion of the county of Jackson, designated by the United States' survey as township number one, south of range one west, be, and the same is hereby, set off and organized into a separate township, by the name of Rives; and the first township meeting therein shall be held at such place as the sheriff of said county shall direct, giving three days' previous notice thereof, by posting the same in three of the most public places in said township.

Rives town-
ship, Jack-
son co.

Sec. 6. All that portion of the county of Jackson, designated by the United States' survey as townships two and three south

Jackson
township,
Jackson co.

of range one west, be, and the same is hereby, set off and organized into a separate township, by the name of Jackson; and the first township meeting therein shall be held at the house of Paul B. Ring, in said township.

Liberty
township,
Jackson co.

Sec. 7. All that portion of the county of Jackson, designated by the United States' survey as township four south of range one west, be, and the same is hereby, set off and organized into a separate township, by the name of Liberty; and the first township meeting therein shall be held at the house of Solomon S. Kiff, in said township.

Owasso
township,
Shiawassee
county.

Sec. 8. All that portion of the county of Shiawassee, known as townships seven and eight north of ranges one, two, three and four east, be, and the same is hereby, set off and organized into a separate township, by the name of Owasso; and the first township meeting therein shall be held at the house of Daniel Ball, in said township.

Mundy
township,
Genesee co.

Sec. 9. All that portion of the county of Genesee, designated in the United States' survey as township six north of ranges five and six east, be, and the same is hereby, set off and organized into a separate township, by the name of Mundy; and the first township meeting therein shall be held at the house of Josiah Alger, in said township.

Rose town-
ship, Oak-
land co.

Sec. 10. All that portion of the county of Oakland, designated in the United States' survey, as township four, north of range seven east, be, and the same is hereby, set off and organized into a separate township, by the name of Rose; and the first township meeting therein shall be held at the house of David Gage, in said township.

Lexington
township,
St. Clair co.

Sec. 11. All that portion of the county of St. Clair, designated by the United States' survey as townships and fractional townships eight, nine and ten north of ranges thirteen, fourteen, fifteen, sixteen and seventeen east, be, and the same is hereby, set off and organized into a separate township, by the name of Lexington; and the first township meeting therein shall be held at the house of Jonathan Burtch, in said township.

Ionia town-
ship, Ionia
county.

Sec. 12. All that portion of the county of Ionia, lying west of the sectional lines running north and south through the centre of townships five, six, seven and eight north of range six west, be, and the same is hereby set off and organized for temporary purposes into a separate township, by the name of Ionia; and the

first township meeting therein shall be held at the house of Samuel Dexter, in said township.

Sec. 13. All that portion of the county of Ionia, lying east of the line as described in the last section, be, and the same is hereby set off and organized into a separate township, for temporary purposes, by the name of Maple; and the first township meeting therein, shall be held at the house of William Hunt, in said township.

Sec. 14. All that portion of the county of Eaton, designated by the United States' survey as townships one and two north of ranges three and four west, be, and the same is hereby, set off and organized into a separate township, by the name of Eaton; and the first township meeting therein shall be held at the dwelling-house of — Spicer, in said township.

Sec. 15. All that portion of the county of Van Buren, designated by the United States' survey as townships one and two south of range thirteen and fourteen west, be, and the same is hereby, set off and organized into a separate township, by the name of Clinch; and the first township meeting therein shall be held at the house of Charles Townsend, in said township.

Sec. 16. All that portion of the county of Van Buren, designated by the United States' survey as township three, south of range fourteen west, be, and the same is hereby, set off and organized into a separate township, by the name of Lafayette; and the first township meeting therein shall be held at the house of D. O. Dodge, in said township.

Sec. 17. All that portion of the county of Van Buren, designated by the United States' survey as township four south in ranges thirteen and fourteen west, be, and the same is hereby, set off and organized into a separate township, by the name of Decatur; and the first township meeting therein, shall be held at the school-house, near Little Prairie Ronde, in said township.

Sec. 18. All that portion of the county of Van Buren, designated in the United States' survey as township one south in ranges fifteen, sixteen and seventeen west, and township two south, in ranges sixteen and seventeen west, be, and the same is hereby, set off and organized into a separate township, by the name of South Haven; and the first township meeting therein shall be held at the house of J. R. Monroe, in said township.

Sec. 19. All that portion of the county of Van Buren, designated by the United States' survey as township two south in range

fifteen west, and township three south in ranges fifteen and sixteen west, be, and the same is hereby, set off and organized into a separate township, by the name of Lawrence; and the first township meeting therein shall be held at the house of Horace Stimpson, in said township.

Covington
township,
Van Buren
county.

Sec. 20. All that portion of the county of Van Buren, designated by the United States' survey as township four south in ranges fifteen and sixteen west, be, and the same is hereby, set off and organized into a separate township, by the name of Covington; and the first township meeting therein, shall be held at the Keelerville post office, in said township.

Bainbridge
township,
Berrien co.

Sec. 21. All that portion of the county of Berrien, designated by the United States' survey as township four, south in range seventeen west, be, and the same is hereby, set off and organized into a separate township, by the name of Bainbridge; and the first township meeting therein shall be held at the house of John P. Davis, in said township.

Burns town-
ship, Shia-
wassee co.

Sec. 22. All that portion of the county of Shiawassee, designated by the United States survey as township number five north of range four east, be, and the same is hereby, set off and organized into a separate township, by the name of Burns; and the first township meeting therein shall be held at the house of Francis L. Provost, in said township.

Pawpaw
township,
Berrien co.

Sec. 23. All that portion of the county of Berrien, designated in the United States' survey as township three south in ranges seventeen and eighteen west, be, and the same is hereby, set off and organized into a separate township, by the name of Pawpaw; and the first township meeting therein shall be held at the house of Isaac Moffat, Jr. in said township.

Benton
township,
Berrien co.

Sec. 24. All that portion of the county of Berrien, designated by the United States' survey as township four south in range eighteen west, be, and the same is hereby, set off and organized into a separate township, by the name of Benton; and the first township meeting therein shall be held at the public house in the village of Millburgh, in said township.

Buchanan
township,
Berrien co.

Sec. 25. All that portion of the county of Berrien, being so much of township seven south in range eighteen west, as lies west of the St. Joseph river, be, and the same is hereby, set off and organized into a separate township, by the name of Buchanan; and

the first township meeting therein shall be held at the house of C. C. Waller, in said township.

Sec. 26. All that portion of the county of Lapeer, designated Lomond township, Lapeer co. by the United States' survey as townships six and seven north of range eleven east, be, and the same is hereby set off and organized in a separate township, by the name of Lomond; and the first township meeting therein, shall be held at the house of Daniel Smith, in said township.

Sec. 27. All that portion of the county of Calhoun, designated Burlington township, Calhoun co. by the United States' survey as township three and four south of range seven west, be, and the same is hereby, set off and organized into a separate township, by the name of Burlington; and the first township meeting therein shall be held at the school-house, near the dwelling of William Adams, in said town.

Sec. 28. All that portion of the county of Calhoun, designated Albion township, Calhoun co. by the United States' survey as township three south of range four west, be, and the same is hereby, set off and organized into a separate township, by the name of Albion; and the first township meeting therein shall be held at the house of Abram Becker, in said township.

Sec. 29. All that part of the county of Calhoun, designated in the United States' survey as township one south of range six west, be, and the same is hereby, set off and organized into a separate township by the name of Convis; and the first township meeting shall be held at the house James Lane, in said township. Convis township, Calhoun co.

Sec. 30. All that portion of the county of Livingston, designated Byron township, Livingston co. in the United States' survey as township three north of range five east, be, and the same is hereby, set off and organized into a separate township, by the name of Byron; and the first township meeting therein shall be held at the house of Hiram Goodrich.

Sec. 31. All that portion of the county of Hillsdale, designated Litchfield township, Hillsdale co. in the United States' survey as township five south of range four west, be, and the same is hereby, set off and organized into a separate township, by the name of Litchfield; and the first township meeting therein shall be held at the house of Hervey Smith.

Sec. 32. All that portion of the county of Hillsdale, designated Reading township, Hillsdale co. in the United States' survey as townships seven, eight and nine, south of range four west, be, and the same is hereby set off and organized into a separate township, by the name of Reading; and the

first township meeting therein shall be held at the house of John Mickle.

Vernon
township,
Shiawassee
county.

Sec. 33. All that portion of the county of Shiawassee, designated in the United States' survey as township six, north of range four east, be, and the same is hereby set off and organized into a separate township, by the name of Vernon; and the first township meeting shall be held at the house of William K. Reed.

Vermontville
township,
Eaton co.

Sec. 34. All that portion of the county of Eaton, designated in the United States' survey as townships three and four, north of range six west, and three and four north of range five west, be, and the same is hereby, set off and organized into a separate township, by the name of Vermontville; and the first township meeting therein shall be held in said township.

Brandon
township,
Oakland co.

Sec. 35. All that portion of the county of Oakland designated in the United States' survey as township five, north of range nine east, be, and the same is hereby, set off and organized into a separate township, by the name of Brandon; and the first township meeting therein shall be held at the house of John B. Seymour.

Florida
township,
Hillsdale co.

Sec. 36. All that portion of the county of Hillsdale, designated in the United States' survey as township seven, eight and fractional township nine, south of range two west, be, and the same is hereby set off and organized into a separate township, by the name of Florida; and the first township meeting therein shall be held at the house of William Dugree.

Parma
township,
Jackson co.

Sec. 37. All that portion of the county of Jackson, designated in the United States' survey as township two, south of range three west, be, and the same is hereby, set off and organized into a separate township, by the name of Parma; and the first township meeting therein shall be held at the house of John Graham, in said township.

Columbus
township,
St. Clair co.

Sec. 38. All that portion of the county of St. Clair, designated in the United States' survey as township five, north of range fifteen east, be, and the same is hereby set off and organized into a separate township, by the name of Columbus; and the first township meeting therein shall be held at the house of Benjamin Kellridge, in said township.

Mottville
township,
St. Joseph co.

Sec. 39. All that portion of the county of St. Joseph, designated in the United States' survey as township eight, south of range twelve west, (excepting sections one, twelve, thirteen and twenty-four) and that part of township eight, south of range thirteen west,

which lies east of the St. Joseph river, be, and the same is hereby, set off and organized into a separate township, by the name of Mottville; and the first township meeting therein shall be held in the school-house at the village of Mottville, in said township.

Sec. 40. All that portion of the county of St. Joseph, designated Constantine, St. Joseph county. in the United States' survey as township seven, south of range twelve west, be, and the same is hereby, set off and organized into a separate township, by the name of Constantine; and the first township meeting therein shall be held at the school-house in the village of Constantine.

Sec. 41. All that portion of the county of St. Joseph, designated Florence township, St. Joseph county. in the United States' survey as township seven, south of range eleven west, be, and the same is hereby, set off and organized into a separate township, by the name of Florence; and the first township meeting therein shall be held at the house of Giles Thompson.

Sec. 42. The next township meeting in the township of White Pigeon, shall be held at the school-house in the village of White Pigeon. White Pigeon. Township meeting, where held.

Sec. 43. All that portion of the county of Washtenaw, designated Manchester township, Washtenaw in the United States' survey as township four, south of range three east, be, and the same is hereby, set off and organized into a separate township, by the name of Manchester; and the first township meeting therein shall be held at the school-house in the village of Manchester.

Sec. 44. All that portion of the county of Macomb, designated Orange township, Macomb. in the United States' survey as township one, north of range thirteen east, together with sections twelve, thirteen, twenty-four, twenty-five, twenty-six in township one, north of range twelve east, be, and the same is hereby, set off and organized into a separate township, by the name of Orange; and the first township meeting therein shall be held at the house of Lewis Groesbeck.

Sec. 45. All that portion of the county of Macomb, designated Hickory township, Macomb. in the United States' survey as township one, north of range twelve east, except sections twelve, thirteen, twenty-four, twenty-five and thirty-six, be, and the same is hereby set off and organized into a separate township, by the name of Hickory; and the first township meeting therein shall be held at the house of Lewis B. Chape-tem.

Sec. 46. All that portion of the county of Ingham, designated Ingham township, Ingham co. in the United States' survey as township two, north of range one

east, township three north of range one east, and townships two and three north of range two east, be, and the same is hereby, set off and organized into a separate township, by the name of Ingham; and the first township meeting therein shall be held at the house of Caleb Carr, in said township.

Ovid township,
Branch county.

Sec. 47. All that portion of the county of Branch, designated in the United States' survey as township seven and fractional township eight, south of range six west, be, and the same is hereby, set off and organized into a separate township, by the name of Ovid; and the first township meeting therein shall be held at the house of George Trip.

Sherwood township,
Branch co.

Sec. 48. All that portion of the county of Branch, designated in the United States' survey as township five, south of range seven west, be, and the same is hereby, set off and organized into a separate township, by the name of Union; and the first township meeting therein shall be held at the house of Chester Hammond in said town. And that the next township meeting in the township of Sherwood shall be held at the house of Phineas P. Lee, in said township.

Vienna township,
Genesee.

Sec. 49. All that portion of the county of Genesee, designated in the United States' survey as township nine, north of ranges five, six and seven east, be and the same is hereby, set off and organized into a separate township, by the name of Vienna; and the first township meeting therein shall be held at the house of Charles McLean, in said township.

Elizabeth township,
Branch co.

Sec. 50. All that portion of the county of Branch, designated in the United States' survey as township seven, south of range seven west, be and the same is hereby, set off and organized into a separate township, by the name of Elizabeth; and the first township meeting therein shall be held at the house of Moses Olmstead in said township.

Gilead township,
Branch county.

Sec. 51. All that portion of the county of Branch, designated in the United States' survey as fractional township eight, south of range seven west, be, and the same is hereby, set off and organized into a separate township, by the name of Gilead; and the first township meeting therein shall be held at the house of Abisha Sanders, in said township.

Marion township,
Livingston county.

Sec. 52. All that portion of the county of Livingston, designated in the United States' survey as township two, north of range four east, be, and the same is hereby, set off and organized into a separate

rate township, by the name of Marion; and the first township meeting therein shall be held at the house of Hiram Wing.

Sec. 53. All that portion of the county of Livingston, designated in the United States' survey as township two, north of range five east, be, and the same is hereby, set off and organized into a separate township, by the name of Genoa; and the first township meeting therein shall be held at the house of Lucius H. Peet, in said township. Genoa township, Livingston co.

Sec. 54. All that portion of the township of Frenchtown, as now organized, (in the county of Monroe) which lies north-west of Stony Creek, in said county, be, and the same is hereby, set off and organized into a separate township, by the name of Ash; and the first township meeting therein shall be held at the house of John M. Beaubien, in said township. Ash township, Monroe co.

Sec. 55. All that portion of the township of Raisinville, in the county of Monroe, designated in the United States' survey as township seven, south of range seven east, be, and the same is hereby, set off and organized into a separate township, by the name of Ida; and the first township meeting therein shall be held at the house of Thomas S. Clark, in said township. Ida township, Monroe co.

Sec. 56. All that portion of the county of Oakland, designated by the United States' survey as township five, north of range eleven east, be, and the same is hereby, set off and organized into a separate township, by the name of Addison; and the first township meeting therein shall be held at the house of Addison Chamberlin, in said township. Addison township, Oakland co.

Sec. 57. All that portion of the county of Oakland, designated in the United States' survey as township four, north of range eight east, be, and the same is hereby, set off and organized into a separate township, by the name of Painsville; and the first township meeting therein shall be held at the house of David Stanard, in said township. Painsville township, Oakland co.

Sec. 58. All that portion of the county of Oakland, designated by the United States' survey as township five, north of range ten east, be, and the same is hereby, set off and organized into a separate township, by the name of Oxford; and the first township meeting therein shall be held at the house of Fite Rossman, in said township. Oxford township, Oakland co.

Wheatland
township
meeting,
where held.

Sec. 59. The next township meeting for the town of Wheatland, in the county of Hillsdale, shall be held at the house of Francis Hill, in said township.

Bronson
township,
Branch co.

Sec. 60. All that portion of the county of Branch, known as the township of Prairie river, and the village in said town known by the name of York, shall, on and after the first Monday of April next, be known and designated by the name of Bronson.

Oronoko
township,
Berrien co.

Sec. 61. All that portion of the county of Berrien, designated by the United States' survey as township six, south of range eighteen west, and township six, south of range nineteen west, be, and the same is hereby, set off and organized into a separate township, by the name of Oronoko; and the first township meeting therein shall be held at the house of William F. St. John, in said township.

Ira town-
ship, St.
Clair co.

Sec. 62. All that portion of the county of St. Clair, included in the following boundaries, to wit: commencing at the south-west corner of section twenty-eight, thence north to the south line of township four, thence west to the east line of the county of Macomb, thence south to Lake St. Clair, thence along the border of the lake, eastward, to the south line of section twenty-five, thence east to the place of beginning, shall be organized into a separate township, called Ira; and the first township meeting shall be held at the dwelling-house of Chester Kimball.

Name of
Desmond
township, al-
tered to Port
Huron.

Sec. 63. All that portion of the county of St. Clair, known as the township of Desmond, shall hereafter be known as the township of Port Huron.

Ogden town-
ship, Lena-
wee co.

Sec. 64. All that portion of the county of Lenawee, designated in the United States' survey as township eight, south of range four east, be, and the same is hereby, set off and organized into a separate township, by the name of Ogden; and the first township meeting shall be held at such place in said township as the sheriff of said county shall designate, by giving three days' public notice of the same previous to the said meeting.

Medina
township,
Lenawee co.

Sec. 65. All that portion of the county of Lenawee, designated in the United States' survey as township eight, south of range one east, be, and the same is hereby, set off and organized into a separate township, by the name of Medina; and the first township meeting shall be held at such place in said township as the sheriff of said county shall designate, by giving three days' public notice of the same previous to the said meeting.

Sec. 66. In all cases where there were no persons designated by law to act as inspectors, the electors present may proceed to elect, *viva voce*, a moderator, three inspectors and a clerk, who shall form a board of inspectors for such election. Election of inspectors of election.

Approved March 11, 1837.

[No. XXXII.]

AN ACT to incorporate the village of Constantine.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that tract of country situated in the township of Constantine, and county of St. Joseph, and known and designated in and by the original surveys of public land in said county as section twenty-three, the north half of section twenty-six, and the south-west quarter of the south-west quarter of section twenty-four, being in township seven south of range twelve west, be, and the same is hereby, constituted a town corporate, by the name of the village of Constantine. Corporate limits.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the state, shall meet at the school-house in said village on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes to elect by ballot seven trustees, who shall hold their office for one year and until their successors are elected and qualified; and any four of said trustees shall constitute a board for the transaction of business, and a less number may adjourn from time to time; but if an election of trustees shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved; and it shall be lawful to hold such election at any time thereafter, public notice being given of such election as hereinafter prescribed. Election of trustees.

Sec. 3. At the first election to be holden in said village, under this act, there shall be chosen, *viva voce*, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, and at all subsequent elec- First election, how holden.

tions the trustees, or any two of them, shall be judges, and the clerk of the village shall be clerk of the election ; at all elections polls shall be opened between the hours of nine and ten o'clock in the forenoon, and closed at three in the afternoon, and at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the electors present by one of the judges ; and the clerk shall make a true record thereof, and within five days after such election, he shall give notice to the persons elected, who shall enter upon the duties of their office on the first Monday thereafter, and it shall be the duty of the village clerk to give at least five days' previous notice of each and every election, by posting up written or printed notices thereof in five or more public places in said village, or by publishing the same in some newspaper printed in said village.

Opening the polls, and closing.
 Record of election.
 When officers shall enter on their duties.
 Notices.

Sec. 4. Each one of the trustees, before he enters upon the duties of his office and in the presence of the board of trustees, shall take an oath or affirmation, which oath or affirmation may be administered by any trustee present, to support the constitution of the United States and the constitution of this state, and that he will faithfully and impartially discharge the duties of the office of trustee of said village, according to the best of his abilities ; and it shall be the duty of the first board of trustees, and of every subsequent board of trustees, at their first meeting, to elect by ballot, one of their number president of said village, whose duty it shall be to preside at all meetings of the board of trustees, but in case of his absence, any other trustee may be appointed by the trustees present to preside at such meetings, and it shall likewise be their duty to appoint a village clerk to attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws of the village.

Oaths of office.
 Presiding officer.
 Clerk, his duties.

Sec. 5. The president and trustees of said village shall be a body corporate and politic, under the name of "The President and Trustees of the Village of Constantine," and may have a common seal which they may alter at pleasure, and may purchase and hold real and personal estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended in any court ; but when a suit shall be commenced against said corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the

Corporate name.
 Privileges.

president of the village, at least eight days before the return day thereof.

Sec. 6. The board of trustees shall have power to ordain and establish by-laws, rules and regulations, and the same to alter and repeal at pleasure, for the following purposes : for the election or appointment of a treasurer, three assessors, a marshal, and other officers for said village, and to prescribe their duties, declare their qualifications, and the period of their appointment or election : *Provided*, That no officer shall hold his office more than one year, or until others be elected, or be appointed ; and the fees any one of them shall be entitled to receive for his services and to require of any, or all of them, an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices, and to require of any of them such security, by bond, for the performance of the duties of their respective offices as shall be thought expedient, which bond shall run to the treasurer of said corporation and his successors in office ; and said treasurer or his successors, shall have power to sue for all breaches of the same, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same.

Powers.

By-laws.

Terms of office.

Fees.

Oath.

Bond.

Treasurer may sue.

To prohibit the running at large of swine, horses, cattle, mules, geese, and sheep, within the limits of said village.

Cattle running at large.

To regulate the building of partition and other fences.

To purchase fire engines, and other necessary apparatus for the extinguishment of fires ; to cause each building occupied as a house or store, to be provided with fire buckets ; and to prescribe the manner in which stoves, with their pipes, in actual use, shall be put up, and chimneys built to guard against fires.

Fences.

Fires.

To remove nuisances.

To grade the streets and alleys, and pave them, and cause side walks to be made, and the expense thereof to be assessed on the lots in front of which either or all of said improvements shall be made ; but no one of said improvements shall be made, unless the individuals owning more than one-half of the property to be assessed for the same improvement, shall petition the president and trustees for that purpose.

Nuisances, Improvements.

To keep the public highways and bridges within the incorporation limits in repair.

Repairs.

Obstructions.

To cause the streets, alleys, side walks, and public highways, and every part thereof, to be kept free from obstructions.

Streets and alleys.**Proviso.**

To lay out new streets and alleys, and to extend such as are already laid out : *Provided*, That the land of any individual shall not be taken for such purpose, until said individual shall be paid the value thereof, and of all buildings upon said land, and all damages he will sustain, to be ascertained as hereinafter mentioned.

Taxation.

To lay taxes on all personal and real estate within the limits of said village, excepting property belonging to the village, town, county or state ; excepting also places of public worship belonging to any church or congregation, and all school-houses and property belonging to any literary institution.

Fines and penalties.

For the violation of any of which by-laws, rules and regulations, such reasonable fines and penalties may be imposed by the law itself, as the said board of trustees may deem proper ; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Constantine ; and any interest the inhabitants of the village of Constantine, as a body corporate, may have in the fine or penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause or serve as a juror, or be a witness therein, and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

Assessment of damages.

Sec. 7. To ascertain the value of any property to be taken to open or continue a street, and the damage the owner will sustain by its being taken, the board of trustees shall appoint two commissioners, and the owner of the property to be taken may appoint two, and the four shall choose a fifth ; and in case the owner neglects or refuses to choose two, any justice of the peace of the county may choose for him, which commissioners shall be disinterested and inhabitants of said county and freeholders therein, and who shall take an oath or affirmation, to be administered by the president of the village, well and truly and without partiality or favor, to value the property to be taken, and the damage to the owner as aforesaid, and to assess the same upon the property benefited by the improvement, and to report such valuation and assessment to the board of trustees, which report, when confirmed by the circuit court of the county, and entered upon the records thereof, shall be final and conclusive upon all parties interested ; and any person interested in said report may object to its confirma-

tion by affidavit or otherwise, and the said court may refer the same back to the old commissioners or new commissioners to be appointed by the court to make a new valuation and assessment as often as the court may deem the same necessary, to promote the ends of justice ; property lying upon the street, to be opened or continued only, shall be assessed for opening or continuing a street, which shall be assessed upon property benefited thereby ; and no new street shall be opened unless two-thirds of the interest thereby affected shall petition for the same.

Sec. 8. All taxes levied upon real estate, and all assessments made thereon, for opening or continuing a street or alley, or grading or paving a street or alley, or making side walks, shall remain a lien upon said estate until paid.

Taxes, a lien upon real estate.

Sec. 9. The president and trustees shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if not printed therein, to be posted up on the outward door of the building where the last annual election was held in said village, a true statement of the receipts and expenditures of the preceding year.

Statement of receipts and expenditures.

Sec. 10. No by-laws or ordinances of said corporation shall have any effect, until the same shall have been published three weeks successively, in a newspaper printed in said county, or by written notices posted up in three of the most public places in said village ; and an affidavit of said publication, in the manner aforesaid, entered at large upon the records of said corporation by the clerk thereof, and the record thereof shall be deemed prima facie evidence of such publication.

Publication of ordinances.

Sec. 11. It shall be the duty of the trustees, once in each and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums in dollars and cents to be paid as a tax or assessment thereon ; and they shall cause the assessment roll, or a copy of it, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seals of said trustees, or a majority of them, directed to, and requiring him, to collect from the several persons named in said roll, the several sums mentioned therein, set opposite to their respective names as the tax or assessment,

Apportionment of taxes.

Assessment roll.

Collection.

and authorizing him, in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village by a certain day to be therein named, not less than forty days from the date of said warrant.

Mode of collection.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the said marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same; and in case the goods and chattels distrained, shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

Unpaid taxes, how collected.

Sec. 13. The tax upon real estate, with all assessments for the purpose named in the eighth section of this act, shall be put down in the said assessment roll in a column by itself, and whenever any such tax or assessment, and the interest thereon, which shall be computed at the rate of fourteen per cent. thereon per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction, at some public house in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least four months' notice of the time and place of such sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper printed in said village, and affidavit of said publication recorded in the manner prescribed in the tenth section of this act, and its record shall be deemed *prima facie* evidence of the fact of publication.

Sale for taxes.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be

Certificate of purchase.

entitled to a deed for the said lands; and if the person claiming title to the said lands described in the said certificate, shall not, within two years from the date thereof, pay to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the treasurer, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, subject to all the claims the state shall have thereon, and the said conveyance shall be conclusive evidence that the sale was regular, according to the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and seal, and acknowledged, witnessed and recorded in the usual form, may be given in evidence in the same manner, and with like effect, as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Redemption.

Deed.

Sec. 15. The treasurer of said village shall receive the same fees in cases of sale as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses in advertising any land for sale in pursuance of this act, shall, by the treasurer, be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the amount of each person's tax so charged and unpaid.

Expense of advertising added to taxes.

Sec. 16. The said corporation shall be allowed the use of the common jail of the county of St. Joseph, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the charge of the sheriff as in other cases.

Corporation allowed use of county jail.

Sec. 17. This act shall be favorably construed and received in all courts as a public act, and copies thereof, printed under the authority of the legislature, shall be received as evidence without further proof.

Legal evidence.

Sec. 18. The legislature may alter, amend or repeal this act.

Power to alter.

Sec. 19. No person shall be eligible to any office in this corporation, unless he shall have resided in the said corporation one year next preceding his election.

Eligibility to office.

Approved March 13, 1837.

LAWS OF MICHIGAN.

[No. XXXIII.]

AN ACT to authorize the president and trustees of the village of St. Joseph, to borrow a certain sum of money.

Loan.

Interest.

Application.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the president and trustees of the village of St. Joseph, are hereby authorized and empowered to contract a loan for the use of said village, a sum of money not exceeding fifty thousand dollars, for such term, not less than twenty nor more than thirty years, as they may deem expedient, and at a rate of interest not exceeding seven per cent. per annum; which sum, if so borrowed, shall be applied for the improvement of said village, and in constructing bridges across the St. Joseph and Pawpaw rivers, within its limits, by said president and trustees.

Approved March 18, 1837,

[No. XXXIV.]

AN ACT to authorize Nathaniel Odell, a minor, to convey certain land.

N. Odell authorized to convey to C. D. Ferris certain lands.

Condition.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Nathaniel Odell, a minor, under the age of twenty-one years, is hereby authorized and empowered to convey unto Caleb D. Ferris, the east half of the north-east quarter of section number twenty-two, in township number one south of range number eight west, whenever, and provided, that the aforesaid Caleb D. Ferris, shall convey unto Nathaniel Odell, the aforesaid minor, the east half of the south-east quarter of section number five, and also the west half of south-west quarter of section number four, in township number three, south of range number seven west: *Provided also,* That the judge of probate of Calhoun county shall assent to the conveyance made by said minor, which conveyance being made by his direction, shall vest in the said Caleb D. Ferris the title to said land.

Approved March 13, 1837.

[No. XXXV.]

AN ACT to amend an act, entitled "An act to incorporate the Detroit and Maumee railroad company," approved the 25th August, 1835.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the said act shall be so amended as to authorize the said Detroit and Maumee railroad company to vary the location of said railroad, from Detroit to Maumee bay or river, in such manner as shall best comport with the public interest: *Provided always*, The said road shall pass through or terminate in the village of Havre, in Monroe county. ^{Route varied.} ^{Termination.}

Sec. 2. It shall be competent for the president and directors of said company to meet at any time for the transaction of the business of said company, on being notified by the secretary, specifying the object for which such meeting is called. ^{Meetings.}

Approved March 13, 1837.

[No. XXXVI.]

AN ACT to amend an act, entitled "An act to provide for the inspection of certain articles therein mentioned.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the several inspectors under the act entitled, "An act to provide for the inspection of certain articles therein mentioned," for their services in this act mentioned, shall receive the following fees, viz: for examining and inspecting fish, for each barrel, ten cents; and for each half barrel, six cents; for overhauling, examining, inspecting and repacking fish, for each barrel, twenty cents; and for each half barrel, twelve and a half cents. ^{Fees for inspection.}

Sec. 2. So much of the twenty-third section of the act to which this is an amendment, as allows the inspector for packing, examining and inspecting every barrel of fish, ten cents, be, and the same is hereby, repealed. ^{Repeal.}

Approved March 13, 1837.

[No. XXXVII.]

AN ACT to incorporate the village of Centreville.

Corporate
limits.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all that tract of country situated in the townships of Bucks and Nottawa, in the county of St. Joseph, and embraced within the south half of section nineteen, the west half of the south-west quarter, the west half of the north-west quarter of section thirty, in township six, south of range ten west, and the south-east quarter of section twenty-four, the east half of the north-east quarter, and the east half of the south-east quarter of section twenty-five, in township six, south of range eleven west, be, and the same is hereby, constituted a town corporate, by the name or title of the village of Centreville.

Election of
trustees.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the state, shall meet at the court-house in said village on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes to elect by ballot seven trustees, who shall hold their office for one year and until their successors are elected and qualified; and any four of said trustees shall constitute a board for the transaction of business, and a less number may adjourn from time to time; but if an election of trustees, shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved; and it shall be lawful to hold such election at any time thereafter, public notice being given of such election as hereinafter prescribed.

First elec-
tion, how
holden.

Sec. 3. At the first election to be holden in said village, under this act, there shall be chosen, *viva voce*, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, and at all subsequent elections, the trustees, or any two of them, shall be judges, and the recorder of the village shall be clerk of the election; at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and closed at three in the afternoon, and at the close of the polls the votes shall be counted and a true statement

Opening and
closing the
polls.

thereof proclaimed to the electors present by one of the judges; and the recorder shall make a true record thereof, and within five days after such election, he shall give notice to the persons elected, who shall enter upon the duties of their office on the first Monday thereafter, and it shall be the duty of the village recorder to give at least five days' previous notice of each and every election, by posting up written or printed notices thereof, in five or more public places in said village.

Record of election.

Time of entering on duties.

Sec. 4. Each one of the trustees, before he enters upon the duties of his office, and in the presence of the board of trustees, shall take an oath or affirmation, which oath or affirmation may be administered by any trustee present, to support the constitution of the United States, and the constitution of this state, and that he will faithfully and impartially discharge the duties of the office of trustee of said village, according to the best of his abilities; and it shall be the duty of the first board of trustees, and of every subsequent board of trustees, at their first meeting to elect by ballot one of their number president of said village, whose duty it shall be to preside at all meetings of the board of trustees, but in case of his absence any other trustee may be appointed by the trustees present to preside at such meetings; and it shall likewise be their duty to appoint a recorder, whose duty it shall be to attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws of the village.

Notices.

Official oath.

Presiding officer.

Recorder.

Sec. 5. The president and trustees of said village shall be a body corporate and politic, under the name of "The President and Trustees of the Village of Centreville," and may have a common seal which they may alter at pleasure, and may purchase and hold real and personal estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended in any court; but when a suit shall be commenced against said corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village, at least eight days before the return day thereof.

Corporate name.

Privileges.

Sec. 6. The board of trustees shall have power to ordain and establish by-laws, rules and regulations, and the same to alter and repeal at pleasure, for the following purposes: for the election or appointment of a treasurer, two assessors, a marshal, and

Powers.

By-laws.

other officers for said village, and to prescribe their duties, declare their qualifications, and the period of their appointment or election: *Provided*, That no officer shall hold his office more than one year, or until others be elected, or be appointed; and the fees any one of them shall be entitled to receive for his services; and to require of any or all of them, an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices, and to require of any of them such security, by bond, for the performance of the duties of their respective offices as shall be thought expedient, which bond shall run to the treasurer of said corporation and his successors in office; and said treasurer, or his successors, shall have power to sue for all breaches of the same, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same.

Term of office.

Fees.

Oath.

Bond.

Treasurer may sue.

To prohibit the running at large of swine, horses, cattle, mules, geese and sheep, within the limits of said village.

To regulate the building of partition and other fences.

Fences.

To purchase fire engines, and other necessary apparatus for the extinguishment of fires; to cause each building occupied as a house or store to be provided with fire buckets; and to prescribe the manner in which stoves, with their pipes, in actual use, shall be put up, and chimneys, to guard against fires.

Fires.

To remove nuisances.

Nuisances.

To grade the streets and alleys, and pave them, and cause side walks to be made, and the expense thereof to be assessed on the lots, in front of which either or all of said improvements shall be made; but no one of said improvements shall be made, unless the individuals owning more than one-half of the property to be assessed for the same improvement, shall petition the president and trustees for that purpose.

Improvements.

To keep the public highways and bridges within the incorporation limits in repair.

Repairs.

To cause streets, alleys, side walks and public highways, and every part thereof, to be kept free from obstructions.

Obstructions.

To lay out new streets, lanes and alleys, and to extend such as are already laid out: *Provided*, That the land of any individual shall not be taken for such purpose, until said individual shall be paid the value thereof, and of all buildings upon said

Streets and alleys.

Provided.

land, and all damages he will sustain, to be ascertained as hereinafter mentioned.

To lay taxes on all real and personal estate within the limits of said village, excepting property belonging to the village, town, county or state; excepting also, places of public worship belonging to any church or congregation, and all school-houses, and property belonging to any literary institution; and to do all other things for other purposes which may promote the interests and secure the peace, health, property and prosperity of the inhabitants of said village. Taxation.
Exceptions.

For the violation of any of which by-laws, rules and regulations, such reasonable fines and penalties by imprisonment may be imposed by the law itself, as the said board of trustees may deem proper; and when any fine shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in said village or county, and any interest the inhabitants of the said village, as a body corporate, may have in the fine or penalty to be recovered, shall not disqualify any inhabitant of said village to try the said cause, or serve as a juror, or be a witness therein, and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws: *Provided*, That all such by-laws or ordinances as are required by this act to be published or posted up, shall be signed by the president, or president pro tem., and attested by the recorder. Fines and penalties.

Sec. 7. To ascertain the value of any property to be taken to open or continue a street, and the damage the owner will sustain by its being taken, on a protest in writing being made by the owner thereof, against taking the same, and delivered by him or his agent to the board of trustees at any of their meetings, the marshal shall summon a jury of twelve disinterested freeholders, and residents of said county, and shall give notice to the president of said village, and to the owner of said property, of the time of meeting of said jury, at least twenty-four hours before the said meeting; and the said jury shall meet at the court-house in said village, at the time required by the summons of said marshal, and from thence shall proceed to examine the premises to be taken as aforesaid, being first sworn by any officer competent to administer oaths, well and truly and without partiality or favor to value the property to be taken, and the damage to the owner as aforesaid, and to assess the same, together with the Assessment of damages.

amount of fees allowed them, as hereinafter mentioned, upon the property benefited by the improvement, and to report such valuation and assessment to the said president in writing, which report, unless fraud or partiality be discovered in the making thereof, shall be final and conclusive upon all parties interested; and the said jurors shall be entitled to receive as compensation for their services one dollar each, per day, and six cents per mile each, coming only from their place of residence, to be audited and allowed from the village treasury. Property lying upon the street, to be opened or continued only, shall be assessed for opening or continuing a street, which shall be assessed upon property benefited thereby; and no new street shall be opened unless two-thirds of the interest thereby affected shall petition for the same.

Taxes a lien on real estate. Sec. 8. All taxes levied upon real estate, and all assessments made thereon, for opening or continuing a street or alley, or grading or paving a street or alley, or making side walks, shall remain a lien upon said estate until paid.

Statement of receipts and expenditures. Sec. 9. The president and trustees shall, at the expiration of each year, cause to be made out and signed by the president, and attested by the recorder, and published in some newspaper printed in said village if one shall be printed therein, and if not printed therein, then to be posted up on the outward door of the building where the last annual election was held in said village, a true statement of the receipts and expenditures of the preceding year.

Publication of ordinances. Sec. 10. No by-laws or ordinances of said corporation shall have any effect, until the same shall have been published three weeks successively in a newspaper printed in said county, or by written notices posted up in three of the most public places in said village, and an affidavit of said publication, in the manner aforesaid, entered at large upon the records of said corporation by the recorder thereof, and the record thereof shall be deemed prima facie evidence of such publication.

Apportionment of taxes. Sec. 11. It shall be the duty of the trustees, once in each and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums in dollars and cents to be paid as a tax or assessment thereon; and they shall cause the assessment roll, or a copy of it, to be

Assessment roll.

delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seals of said trustees, or a majority of them, directed to, and requiring him, to collect from the several persons named in said roll the several sums mentioned therein, set Collection. opposite to their respective names as the tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village by a certain day to be therein named, not less than forty days from the date of said warrant.

Sec. 12. If any person shall refuse or neglect to pay the sum Mode of collection. or sums at which he or she shall be taxed or assessed as aforesaid, the said marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same; and in case the goods and chattels distrained shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

Sec. 13. The tax upon real estate, with all assessments for the Unpaid taxes, how collected. purpose named in the eighth section of this act, shall be put down in the said assessment roll in a column by itself, and whenever any such tax or assessment, and the interest thereon, which shall be computed at the rate of fourteen per cent. thereon per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment and interest, to be so sold at public auction, at the courthouse in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least four months' notice of the time and place of such sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper printed in said village; and an affidavit of said publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed prima facie evidence of the fact of publication.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same Sale for taxes.

- from day to day, until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and if the person claiming title to the said lands described in the said certificate, shall not, within two years from the date thereof, pay to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the treasurer, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, subject to all the claims the state shall have thereon, and the said conveyance shall be conclusive evidence that the sale was regular according to the provisions of this act; and every such conveyance, executed by the said treasurer under his hand and seal, and acknowledged, witnessed and recorded in the usual form, may be given in evidence in the same manner, and with like effect, as a deed regularly executed and acknowledged by the owner and duly recorded, may be given in evidence.
- Certificate of purchase.** **Redemption.** **Deed.** **Fees.** **Expense of advertising added to taxes.** **Corporation allowed use of county jail.** **Construction.**
- Sec. 15. The treasurer of said village shall receive the same fees in cases of sale as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses in advertising any land for sale in pursuance of this act, shall, by the treasurer, be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the amount of each person's tax so charged and unpaid.
- Sec. 16. The said corporation shall be allowed the use of the common jail of the county of St. Joseph for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons so committed to said jail, shall be under the charge of the sheriff as in other cases.
- Sec. 17. This act shall be favorably construed, and received in all courts as a public act; and copies thereof printed under the authority of the legislature, shall be received as evidence, without further proof.

Sec. 18. The legislature may alter, amend or repeal this act. Power to alter, &c.

Sec. 19. No person shall be eligible to any office in this corporation, unless he shall have resided in the said corporation one year next preceding his election. Eligibility to office.

Approved March 13, 1837.

[No. XXXVIII.]

AN ACT to incorporate the village of Mount Clemens.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all that tract of land embraced within the following limits, to wit: beginning at a point on the Clinton river where the west or upper line of the farm of George Kellogg intersects the same, thence following the border of said Clinton river up stream to a point where the east line of the farm of Alfred Ashley strikes the said river, thence to continue north on the said east line of said Ashley's farm until coming to a point, and by running a line due east from which would intersect the south line of the farm of William Canfield, thence to continue east on the range of said Canfield's line until it intersects the west line of said George Kellogg's farm, thence down the west line of said Kellogg's farm to the place of beginning, in which is embraced the village of Mount Clemens, in the county of Macomb, be, and the same is hereby, constituted a town corporate, and shall hereafter be known by the name or title of "The Village of Mount Clemens." Corporate limits.

Sec. 2. It shall be lawful for the free male inhabitants of said village, having the qualifications of electors, to meet at some convenient place in said village of Mount Clemens, on the first Monday of May next, and on the first Monday of May annually thereafter, and then and there proceed by a plurality of votes to elect by ballot a president, recorder and six trustees, who shall hold their offices one year and until their successors are elected and qualified; and any five of them shall be a board for the transaction of business, but a less number may adjourn from time to time: Election of officers. Time. Term of office. Quorum. Proviso. *Provided,* That if an election of president, recorder and trustees shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such elec-

tion at any time thereafter, pursuant to public notice to be given in the manner hereinafter prescribed.

First election, how holden.

Sec. 3. At the first election to be holden under this act, there shall be chosen, *viva voce*, by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation faithfully to discharge the duties required of him by this act; and at all subsequent elections, the trustees, or any two of them, shall be judges, and the recorder clerk of the election; and at all elections to be held under this act, the polls shall be opened between the hours of nine or [and] ten o'clock in the forenoon and close at five o'clock in the afternoon of said day, and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges; and the clerk shall make a true record thereof, and within five days after such election, the said clerk shall give notice to the persons elected of their election; and it shall be the duty of the said town council, at least five days before each and every annual election, to give notice of the same by posting up notices in three places in said town.

Opening and closing the polls.

Notice of election.

Duty of president and recorder.

Sec. 4. It shall be the duty of the president to preside at all meetings of the village council; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of all their proceedings.

Corporation name.

Privileges.

Sec. 5. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of "The President and Trustees of the Village of Mount Clemens," and shall be capable in law, in their corporate name, to acquire property, real and personal, for the use of said village, sell and convey the same; may have a common seal, which they may alter at pleasure; may sue and be sued, defend and be defended in any court of competent jurisdiction; and when any suit shall be commenced against said corporation, the first process shall be by summons, and an attested copy shall be left with the recorder at least eight days before the return day thereof.

Official oaths.

Sec. 6. The officers elected by virtue of this act shall each, before entering on the duties of his office, take an oath or affirmation to support the constitution of the United States and of this state, and also faithfully to discharge the duties of his office.

Powers. By-laws.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations for the government of

said town, and the same to alter, repeal, or reordain at pleasure; and to provide in said by-laws for the election of a treasurer, two assessors, a village marshal and other subordinate officers which may be thought necessary for the good government and well being of said village; to prescribe their duties, declare their qualifications, and determine the period of their appointments and the fees they shall be entitled to receive for their services, and require of them to take an oath or affirmation faithfully and impartially to discharge the duties of their respective offices, and may require of them such security for the performance of the duties of their respective offices as shall be thought necessary; said president and trustees shall also have power to affix to the violation of the by-laws and ordinances of the corporation such reasonable fines and penalties as they may deem proper, and to provide for the disposition of said fines and penalties: *Provided also*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county, or by written notices posted up in three of the most public places in said village.

Oaths.

Fines.

Publication of by-laws.

Sec. 8. The president and trustees shall, at the expiration of each year, cause to be made out and published the receipts and expenditures of the preceding year.

Statement of receipts and expenditures.

Sec. 9. The electors of said village, in legal meeting assembled, shall have power to lay taxes on all real and personal estate within the limits of said corporation, not exceeding one half of one per centum upon said real estate in any one year; to regulate and improve the lanes and alleys, also to lay out new streets, lanes and alleys, and to determine the width of the side walks: *Provided*, That no property shall be taken from any individual until said individual shall be paid therefor, the value thereof to be ascertained by twelve disinterested freeholders, to be summoned by the marshal for that purpose; they shall have the power to remove all nuisances and obstructions from the streets and commons, and all other places of said village, and to provide for the removal of the same, and to do all things which corporations of a similar nature can do to secure the peace, health, property and prosperity of the inhabitants of said village.

Taxation.

Limit.

Improvements.

Assessment of property taken for use of corporation.

Nuisances.

Sec. 10. All meetings called for the purposes contemplated in the preceding section of this act, shall be called by the president, or in his absence by the senior trustee, by posting up written noti-

Meetings, how called.

ces in three of the most public places in said village, at least three days previous to holding said meeting; said notices shall specify the time and place of holding said meeting, and the purposes for which said meeting is called.

Fees of recorder.

Sec. 11. The recorder shall receive such fees for his services as the by-laws and ordinances of said corporation shall prescribe; but the president and trustees shall receive no pecuniary compensation without the same shall be authorized by the inhabitants in legal meeting assembled.

Tax on real estate.

Sec. 12. For the purpose of enabling the president and trustees to carry into effect the provisions of this act, they are hereby authorized to lay a tax on all real and personal estate within the bounds of the corporation, as the same has been or may be appraised: *Provided*, That the said tax shall not exceed in any one year, one half of one per centum of the aggregate amount of real and personal estate within the limits of said village; and the said president and trustees shall, between the first Mondays of May and June, in each year, determine the amount of tax to be assessed and collected the current year.

Limit.

Time of assessment.

Tax roll.

Sec. 13. It shall be the duty of the president and trustees to make out a duplicate of taxes, charging each individual therein an amount or tax in proportion to the real or personal estate of such individual within said village; which duplicate shall be signed by the president and recorder, and delivered to the marshal or such other person as shall be appointed collector, whose duty it shall be to collect the same, within such time and in such manner as the by-laws shall direct.

Collection of taxes.

Sec. 14. The said collector shall have power to sell personal estate, and for want thereof, to sell real estate, for the non-payment of taxes within said village; and in case of the sale of real estate, the said collector shall prosecute the sale in the same manner, and with the same effect, in all respects, as is provided by law for the sale of real estate by sheriffs; and all real estate so sold shall be liable to be redeemed in the same manner as lands sold by sheriffs may be redeemed.

Village allowed use of county jail.

Sec. 15. The said village shall be allowed the use of the common jail of the county of Macomb for the imprisonment of any person liable to imprisonment under the ordinances of said village; and all persons committed to said jail, shall be under the charge of the sheriff as in other cases.

Sec. 16. This act shall be favorably construed and received in all courts of justice as a public act, and copies thereof, printed under the authority of the legislature, shall be received as evidence without further proof. Evidence.

Sec. 17. This act may be altered, amended or repealed by the legislature, with the assent of two-thirds of both houses. Power to alter.

Approved March 13, 1837.

[No. XL.]

AN ACT to amend an act entitled "An act appointing commissioners to lay out and establish certain state roads," approved July 26, 1836.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That David Scott, William E. Perrine and Jerry Ford, be, and they are hereby, appointed commissioners to lay out and establish the road mentioned in the thirty-third section of the act to which this is an amendment; and that so much of said act as appoints Daniel Coleman and William R. Thompson commissioners to lay out said road, be, and the same is hereby, repealed. Commissioners.
Repeal.

Approved March 14, 1837.

[No. XLI.]

AN ACT to amend an act entitled "An act to vacate the present seat of justice of the county of Berrien, and to establish the same at the village of Berrien, in said county."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That if the board of supervisors of the county of Berrien do not hold their meeting on the third Tuesday of April next, as provided in the second section of the act to which this act is an amendment, to ascertain and state such sums as have been expended by the proprietors and inhabitants of the village of St. Joseph in erecting county buildings in said village, and the expense of locating the seat of justice of said county at said village, or in case said board of supervisors do Limitation.

meet as above provided, and the claims for the county buildings and expenses in said act mentioned are not presented to said board for allowance, then, if the proprietors of the village of Berrien, in said county, shall, on or before the said third Tuesday of April next, deposite the sum of four hundred and fifty dollars in the hands of the county treasurer of said county, for the use of the claimants for the buildings and expenses above mentioned, to be paid to said claimants as the supervisors of said county shall order, the act to which this act is amendatory, shall be of full force and virtue: *Provided*, That if said board of supervisors shall not meet as provided for in the act to which this act is amendatory, nothing herein contained shall be construed to prejudice the claims of any of the claimants provided for in said act.

Approved March 14, 1837.

[No. XLII.]

AN ACT to furnish each organized county with a complete set of weights and measures.

Preamble. Whereas, by a joint resolution of the Senate and House of Representatives of the United States, approved June 14th, 1836, the secretary of the treasury is directed to cause a complete set of all the weights and measures adopted as standards, and then either made, or in the progress of manufacture, for the use of the several custom-houses and for other purposes, to be delivered to the governor of each state in the Union, or such person as he might appoint, for the use of the states respectively, to the end that a uniform standard of weights and measures might be established throughout the United States: Therefore,

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the set of weights and measures mentioned in the foregoing preamble, when the same are procured, be deposited with the treasurer of this state, to be kept in his office; and that the treasurer be, and he is hereby, required to procure for each organized county in the state, a set of weights and measures, in all respects corresponding with them; which weights and measures, so to be procured by him, shall be sealed by him and marked with the letters S. M., and one set

Weights and measures, when deposited.

Duty of treasurer.

LAWS OF MICHIGAN.

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thereof be delivered by him to the county clerk of each county, for the use of the county.

Sec. 2. The sum of twenty-two hundred dollars, or so much thereof as may be necessary to carry this act into effect, is hereby appropriated out of any moneys in the treasury not otherwise appropriated. Expense of distribution.

Approved March 14, 1837.

[No. XLIII.]

AN ACT to provide for the election of justices of the peace in newly organized townships, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That in each township heretofore organized, in which there has not been an election of justices of the peace, under the act entitled "An act to provide for the election of certain county and township officers, and for other purposes," approved March 14, 1836, or the act entitled "An act to provide for the election of township and county officers in certain cases, and for other purposes," approved July 26, 1836; and in each township hereafter organized, there shall be elected by the qualified electors thereof, four justices of the peace; in townships heretofore organized, at the next annual township meeting, and in townships hereafter organized, at their first township meeting. Election of justices.

Sec. 2. The justices of the peace to be elected as aforesaid, shall be classed, and such classification, and canvass and returns of the votes shall be made, and they shall take the oath, be subject to the penalties, and in all respects comply with the provisions of the act herein first above mentioned, as though they had been elected under such act. Classification.

Sec. 3. They shall, as soon as they shall be classed and take the oath of office, enter upon its duties, and continue to hold the same for one, two, three, or four years, from the fourth day of July next preceding their election, according to their respective classes. Term of office.

Sec. 4. If in any of said townships an election of justices of the peace should not take place at the time hereinbefore mentioned- Where elections have not been

made as
above.

ed, such township shall, at a special township meeting called for that purpose, or at its next annual township meeting, elect its justices.

Annual elec-
tion.

Sec. 5. Each township shall annually thereafter elect one justice of the peace, who shall hold his office for four years, and may fill vacancies as provided by the aforesaid act, entitled "An act to provide for the election of certain county and township officers, and for other purposes."

Vacancies.

Approved March 14, 1837.

[No. XLIV.]

AN ACT to lay out a state road from Ypsilanti to Ridgeway.

Road from
Ypsilanti to
Ridgeway.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be laid out and established a state road from the village of Ypsilanti, in the county of Washtenaw, to the village of Ridgeway, in the county of Lenawee, and Oliver Miller, Jesse Warner and Noah Wolcott, be, and they are hereby, appointed commissioners for that purpose.

Record.

Sec. 2. When said road shall be surveyed, it shall be the duty of the said commissioners to furnish the several township clerks of the townships through which said road shall run, the minutes of such survey, and the same shall be recorded by said clerks, in the same manner that township roads are recorded.

Road to be
opened.

Sec. 3. In thirty days after the said minutes of the survey are left for record, it shall be the duty of said commissioners to open said road, and it shall be lawful for any person to use said road as a public highway after the expiration of thirty days from the time that the minutes of the survey of said road are left for record as aforesaid.

Damages

Sec. 4. Any person feeling himself aggrieved by the laying out and opening said road, may have his damages appraised and obtain the same, according to the statute in such case made and provided.

Expense.

Sec. 5. In laying out and establishing said road, the state shall not be liable for the expenses or damages incurred thereby.

Approved March 14, 1837.

[No. XLV.]

AN ACT to incorporate the village of Tecumseh.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that tract of country ^{Limits.} situated in the township of Tecumseh, in the county of Lenawee, included within one mile and a half square, the centre of which shall be at the intersection of Ottawa and Shawnee streets, in said village, and the north and south lines thereof to run parallel to Shawnee street aforesaid, be, and the same is hereby, constituted a town corporate, by the name of the village of Tecumseh.

Sec. 2. The male inhabitants of said village having the qualifications of electors under the constitution of the state, shall meet ^{Election of trustees.} at the court-house in said village, on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village; and then and there proceed, by a plurality of votes, to elect by ballot seven trustees, who shall hold their office for one year, and until their successors are elected and qualified; and any four of said trustees shall constitute a board for the transaction of business, and a less number may adjourn from time to time; but if an election of trustees shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved; and it shall be lawful to hold such election at any time thereafter, public notice being given of such election as hereinafter prescribed.

Sec. 3. At the first election to be holden in said village under this act, there shall be chosen, *viva voce*, by the electors present, two ^{Mode of conducting elections.} judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election; and at all subsequent elections the trustees, or any two of them, shall be judges, and the clerk of the village shall be clerk of the election; at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and closed at three in the afternoon, and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges; and the clerk shall make a true record thereof, and within five days after

Notices of elections.

such election, he shall give notice to the persons elected, who shall enter upon the duties of their office on the first Monday thereafter; and it shall be the duty of the village clerk to give at least five days' previous notice of each and every election, by posting up written or printed notices thereof in five or more public places in said village, or by causing the same to be published in some public newspaper.

Oaths of office.

Sec. 4. Each one of the trustees, before he enters upon the duties of his office, and in the presence of the board of trustees, shall take an oath or affirmation, which oath or affirmation may be administered by any trustee present, to support the constitution of the United States and the constitution of this state, and that he will faithfully and impartially discharge the duties of the office of trustee of said village, according to the best of his abilities; and it shall be the duty of the first board of trustees, at their first meeting, to elect by ballot one of their number president of said village, whose duty it shall be to preside at all meetings of the board of trustees; but in case of his absence, any other trustee may be appointed by the trustees present, to preside at such meetings; and it shall likewise be their duty to appoint a village clerk to attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws of the village.

Presiding officer.

Corporate name and powers.

Sec. 5. The president and trustees of said village shall be a body corporate and politic, under the name of "The President and Trustees of the Village of Tecumseh," and may have a common seal which they may alter at pleasure, and may purchase and hold real and personal estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended in any court; but when a suit shall be commenced against said corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village, at least five days before the return day thereof.

By-laws.

Sec. 6. The board of trustees shall have power to ordain and establish by-laws, rules and regulations, and the same to alter and repeal at pleasure, for the following purposes:

For the election or appointment of a treasurer, three assessors, a marshal, and other officers for said village, and to prescribe their duties, declare their qualifications and the period of their

appointment or election: *Provided*, That no officer shall hold his office more than one year, or until others be elected, or be appointed; and the fees any one of them shall be entitled to receive ^{Terms of office.} for his services; and to require of any or of all of them an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices, and to require of any of them such security, by bond, for the performance of the duties of their respective ^{Penalties.} offices, as shall be thought expedient, which bond shall run to the treasurer of said corporation and his successors in office; and said treasurer, or his successors, shall have power to sue for all breaches of the same, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

To prohibit the running at large of swine, cattle, mules, geese and sheep, within the limits of said village.

To regulate the building of partition and other fences.

To purchase fire engines, and other necessary apparatus for the extinguishing of fires; to cause each building occupied as a house or store, to be provided with fire buckets; and to prescribe the manner in which stoves, with their pipes, in actual use, shall be put up, and chimneys built to guard against fires.

To remove nuisances.

To grade the streets and alleys, and pave them, and cause side walks to be made, and the expense thereof to be assessed on the lots in front of which either or all of said improvements shall be made; but no one of said improvements shall be made, unless the individuals owning more than one-half of the property to be assessed for the same improvement, shall petition the president and trustees for that purpose.

To keep the public highways and bridges within the incorporation limits in repair.

To cause the streets, alleys, side walks and public highways, and every part thereof, to be kept free from obstruction.

To lay out new streets and alleys, and to extend such as are already laid out: *Provided*, That the land of any individual shall not be taken for such purpose, until said individual shall be paid the value thereof, and of all buildings upon said land, and all damages he will sustain, to be ascertained as hereinafter mentioned.

To lay taxes on all personal and real estate within the limits of said village, excepting property belonging to the village, town,

county or state ; excepting also, places of public worship belonging to any church or congregation, and all school-houses.

For the violation of any of which by-laws, rules and regulations, such reasonable fines and penalties may be imposed by the law itself, as the said board of trustees may deem proper ; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Tecumseh ; and any interest the inhabitants of the village of Tecumseh, as a body corporate, may have in the fine and penalty to be recovered, shall not disqualify any inhabitants of said village to try said cause or serve as juror, or be a witness therein ; and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

Damages for
property taken
for use
of village.

Sec. 7. To ascertain the value of any property to be taken to open or continue a street, and the damage the owner will sustain by its being taken, the board of trustees shall appoint two commissioners, and the owner of the property to be taken may appoint two, and the four shall choose a fifth ; and in case the owner neglects or refuses to choose two, any justice of the peace of the county may choose for him, which commissioners shall be disinterested, and inhabitants of said county, and freeholders therein, and who shall take an oath or affirmation, to be administered by the president of the village, well and truly, and without partiality or favor, to value the property to be taken, and the damage to the owner as aforesaid ; and to assess the same upon the property benefited by the improvement, and to report such valuation and assessment to the board of trustees, which report, when confirmed by the circuit court of the county, and entered upon the records thereof, shall be final and conclusive upon all parties interested ; and any person interested in said report, may object to its confirmation, by affidavit or otherwise ; and the said court may refer the same back to the old commissioners, or new commissioners to be appointed by the court, to make a new valuation and assessment, as often as the court may deem the same necessary to promote the ends of justice. Property lying upon the street to be opened or continued only, shall be assessed for opening or continuing a street, which shall be assessed upon property benefited thereby ; and no new street shall be opened unless two-thirds of the interest thereby affected shall petition for the same.

How assessed.

Appeal.

Assessments
for opening
new streets.

Sec. 8. All taxes levied upon real estate, and all assessments made thereon for opening or continuing a street or alley, or grading or paving a street or alley, or making side walks, shall remain a lien upon said estate until paid. Taxes, &c. a lien on real estate.

Sec. 9. The president and trustees shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if not printed therein, then to be posted up on the outward door of the building where the last annual election was held in said village, a true statement of the receipts and expenditures of the preceding year. Annual statement of receipts and expenditures.

Sec. 10. No by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively, in a newspaper printed in said county, or by written notices posted up in three of the most public places in said village; and an affidavit of said publication, in the manner aforesaid, entered at large upon the records of said corporation by the clerk thereof, shall be deemed prima facie evidence of such publication. y-laws to be published before operative.

Sec. 11. It shall be the duty of the trustees, once in each and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums in dollars and cents to be paid as a tax or assessment thereon; and they shall cause the assessment roll, or a copy of it, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seals of said trustees, or a majority of them, directed to, and requiring him, to collect from the several persons named in said roll, the several sums mentioned therein, set opposite to their respective names as the tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village by a certain day to be therein named, not less than forty days from the date of said warrant. Assessment roll.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, Taxes and assessments, how collected.

the said marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same; and in case the goods and chattels distrained, shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

Form of assessment roll.

Sec. 13. The tax upon real estate, with all assessments for the purpose named in the eighth section of this act, shall be put down in the said assessment roll in a column by itself, and whenever any such tax or assessment, and the interest thereon, which shall be computed at the rate of fourteen per cent. thereon per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction, at some public house in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least four months' notice of the time and place of such sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper printed in said village; and affidavit of said publication recorded in the manner prescribed in the tenth section of this act, shall be deemed prima facie evidence of the fact of publication.

Of sales for taxes.

Certificate of sale to the purchaser.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and if the person claiming title to the said lands described in the said certificate, shall not, within two years from the date thereof, pay to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the treasurer, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a

Redemption.

conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, subject to all the claims the state shall have thereon, and the said conveyance shall be conclusive evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer under his hand and seal, and acknowledged, witnessed and recorded in the usual form, may be given in evidence in the same manner, and with like effect, as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence. Deeds, how executed.

Sec. 15. The treasurer of said village shall receive the same fees in cases of sale as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses in advertising any land for sale in pursuance of this act, shall, by the treasurer, be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the amount of each person's tax so charged and unpaid. Treasurer's fees.

Sec. 16. The said corporation shall be allowed the use of the common jail of the county of Lenawee, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases. Corporation allowed use of county jail.

Sec. 17. This act shall be favorably construed and received in all courts as a public act, and copies thereof, printed under the authority of the legislature, shall be received as evidence without further proof. Legal evidence.

Sec. 18. The legislature may alter, amend or repeal this act. Power to alter.

Sec. 19. No person shall be eligible to any office in this corporation, unless he shall have resided in the said corporation one year next preceding his election. Eligibility for office.

Approved March 14, 1837.

[No. XLVI.]

AN ACT in relation to the seat of justice of Branch county.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of the sum of two hundred and fifty dollars, deposited in the state treasury under the

Surplus de-
posits to be
refunded by
the treasurer.

provisions of an act to provide for the review of the seat of justice of the county of Branch, approved March 21, 1836, as remains in said treasury, shall be refunded to the persons depositing the same.

Approved March 14, 1837.

[No. XLVII.]

AN ACT to organize and regulate banking associations.

Mode of pro-
ceeding in
forming an
association.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever any persons, resident of any of the counties of this state, shall be desirous of forming an association for transacting banking business, such persons shall make a written application to the treasurer and clerk of the county where such business is proposed to be transacted; which application shall set forth the amount of the capital proposed to be used by such association, and the place proposed to locate the office for the transaction of the business of said association; and on application made as aforesaid by at least twelve freeholders residents of any such county, it shall be the duty of any such treasurer and clerk to cause public notice thereof to be given, for at least thirty days, in some public newspaper published in such county; and if no newspaper be published therein, then notice shall be given in some paper published in an adjoining county, for the like period, and by posting up copies thereof in twelve of the most public places in such county, which notice shall set forth the amount of capital proposed to be used by such association, and designate the time and place of opening books to the capital stock thereof.

Notice.

Treasurer,
his bond.

Sec. 2. It shall and may be lawful for the applicants, or a majority of them, to appoint a treasurer for the time being, who shall give a bond in the sum of thirty thousand dollars, with good and sufficient sureties, to be approved by the treasurer and clerk aforesaid, conditioned for the faithful discharge of such duties as are hereinafter prescribed.

Capital
stock.

Sec. 3. The capital stock of every association to be incorporated under the provisions of this act shall not be less than fifty thousand dollars, nor more three hundred thousand dollars, and

shall be divided into shares of fifty dollars each ; and no such association shall commence operations until the whole amount of the capital stock shall be subscribed, nor until thirty per centum of such capital stock shall be paid in, in legal money of the United States.

Sec. 4. It shall be the duty of the treasurer and clerk aforesaid, to open books for subscription to the capital stock of such association, at the time and place mentioned, and to continue the same open for the space of four days successively ; in case a greater number of shares than is sufficient to make up the whole capital stock of said association shall be subscribed, the treasurer and clerk shall apportion the said requisite number of shares among the subscribers, in proportion to the number of shares which each person has subscribed for respectively, in such manner as to secure to resident stockholders their proper proportions of stock, as designated by the tenth section of this act ; but no person, resident of the proper county, shall, upon such distribution, receive less than five shares, if he shall have subscribed for so many, unless the subscriptions for such number of shares shall exceed the amount of shares of said capital stock. In case the whole amount of capital stock shall not be subscribed at the expiration of such period, the treasurer and clerk shall postpone such meeting for the space of thirty days, and shall give due notice of such postponement in manner aforesaid ; and shall, on the day to which such meeting shall stand adjourned, open anew the books of subscription, and shall continue the same open for the further space of four days, unless the necessary amount of stock shall be sooner subscribed.

Sec. 5. In case the necessary amount of capital stock shall not be subscribed at the expiration of the last mentioned period, the further continuance of such application shall cease and determine, and the applicants shall be liable to the payment of all expenses attendant upon such application ; but should the necessary amount of stock be subscribed during either or both of the above mentioned periods, the expenses attending such application shall be paid by the association so to be formed, in its corporate capacity ; *Provided*, That such treasurer and clerk, or other proper officers, shall not be entitled to receive more than three dollars per day each for their services in travelling to, returning from, and attending upon any meeting held under the provisions of this act.

Oath of subscribers.

Sec. 6. Before any person shall be permitted to subscribe to the capital stock of any association to be incorporated under the provisions of this act, such person shall first make oath that the stock for which he is desirous of subscribing is intended for his own use, or for the use of the firm of which he is a partner, or for the use of the person or persons or company whom he represents

By whom administered.

as agent or attorney, and not in trust for another; which oath the treasurer and clerk, or either of them, are hereby authorized and

Limitation of amount of subscription.

required to administer; and no one person, firm, or company, shall be allowed to subscribe exceeding one tenth part of the capital stock of such association or corporation, nor shall he or they be capable at any time of holding therein to exceed one-fourth part of the capital stock thereof, unless the same shall come into his, her, or their possession, by action at law, in payments of debts due from stockholders in their separate and private capacities; no county clerk or treasurer shall be allowed to subscribe in other than his or their own name or names.

County clerk and treasurer not to subscribe.

Ten per cent. to be paid on subscribing.

Sec. 7. Every person, by himself, his agent or attorney, shall, on subscribing to the capital stock of such association, pay to the treasurer appointed as aforesaid ten per centum in specie on each share of stock by him or them subscribed; and such treasurer

To whom paid.

shall pay the same over to the cashier of such association, upon the order of the president and directors, whenever the same shall be organized; but if such association shall fail to complete its organization within the time limited by this act, every such amount paid in as aforesaid shall be refunded, without delay, to the subscribers respectively or their duly authorized agent or attorneys.

To be refunded if not organized.

And any failure, for the space of five days, of the treasurer in complying with the provisions of this section, shall be deemed a misdemeanor, and shall be punishable by fine and imprisonment, in a sum not exceeding three times the amount of money withheld, and for a term not exceeding three years, at the discretion of the court before whom the same shall be tried and determined.

Penalty in case of neglect of the treasurer.

Meeting of subscribers.

Sec. 8. Whenever the capital stock of such association shall be subscribed, and ten per centum on each share thereof shall be paid in as hereinbefore provided for, if within either of the periods limited by this act, it shall be the duty of the treasurer and clerk to call a meeting of the subscribers, at such time and place as they may appoint, by giving thirty days' previous notice thereof

in manner prescribed in the first section of this act, and at such meeting shall lay the books of subscription before the subscribers then present, and thereupon the stockholders may elect nine directors, a majority of whom shall be competent to manage the affairs of the association ; and said directors, who shall be stockholders and residing within the state, and at least five of whom shall be residents of the county wherein the business of such corporation shall be transacted, shall be empowered to elect one of their number president ; and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holders thereof to one vote, either by himself in person or by proxy, which proxies shall always be stockholders. No person shall be a director of such association unless he shall be the holder of at least five shares of such capital stock.

Election of directors.

Of votes.

Sec. 9. All such persons as shall become stockholders of any such association, shall, on compliance with the provisions of this act, constitute a body corporate and politic, in fact and in name, and by such name as they shall designate and assume to themselves, which name shall not be changed without the consent of the legislature ; and by such name they and their successors shall and may have continual succession, and shall in their corporate capacity be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever ; and that they and their successors may have a common seal, and that they and their successors, by such name as they shall designate, adopt and assume as aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said association.

Stockholders incorporated.

Sec. 10. At least thirty per centum of the capital stock of such association shall be paid in in specie before such association shall be permitted to commence operations ; one-third part of such capital stock shall be owned, subscribed, and continue to be held by residents of the county where such association shall transact business : *Provided*, That so much of this section as requires that one-third of the capital stock shall be owned in the county where such association shall transact business, shall not apply to the county of Chippewa.

Thirty per cent. in specie to be paid in before commencement.

Exception in favor of Chippewa county.

Sec. 11. The president and directors of such association shall, before commencing operations, furnish good and sufficient security

Security of president and directors.

ty, to be approved by the treasurer and clerk aforesaid, to the auditor general, for and in behalf of the people of this state, to be held as collateral securities when all other liabilities of such association shall fail or prove to be insufficient for the purposes intended, conditioned for the payment of all debts which such association shall contract, and for the redemption of all notes which shall be issued or be outstanding or in circulation, which securities shall be in the full amount which such association shall at any time have in circulation or be indebted, and shall consist

Kinds of security.

either of bonds and mortgages upon real estate within this state, or in bonds executed by resident freeholders of the state, and shall be forthwith lodged in the hands of the bank commissioner, and a copy thereof placed on file in the office of the clerk of the proper county: *Provided*, That any president, director, or stockholder of any such association, who may have rendered the securities herein required, in whole or in part, and who may have disposed of his or their interest in such association, shall be relieved at their option from all further liability by the bank commissioner, upon the president and directors, and they are hereby authorized and required to do so, furnishing other good and sufficient sureties equivalent thereto, to the satisfaction of the said bank commissioner, and causing the same to be lodged and filed in the same manner as hereinbefore directed.

Proviso.

Certificate of name, &c. to be filed with secretary of state.

Sec. 12. Whenever the president and directors of any such association shall have complied with the requisitions of this act, the treasurer and clerk of the proper county shall file in the office of secretary of state a certificate setting forth the name and location of such association and the amount of its capital stock; and said secretary of state shall immediately thereafter give public notice thereof, by publication in one or more of the newspapers authorized to publish the laws of this state.

Duty of bank commissioner.

Sec. 13. It shall be the duty of the bank commissioner to visit the banking-house of such association as often as once in three months, and at all other times when requested by the governor or by any banking association in this state, created by the provisions of this act, or subject to the act to create a fund for the benefit of the creditors of certain moneyed corporations, and to institute such an examination into the affairs of such association as is required in the fifteenth section of an act to create a fund for the benefit of

the creditors of certain moneyed corporations, approved March 28, 1836.

Sec. 14. It shall be the duty of the bank commissioner to re-quire every such association to renew or change the securities required to be given by this act, under the like restrictions and regulations, whenever the public safety may require it. Idem.

Sec. 15. In addition to the amount required to be paid in on the capital stock of such association before commencing operations; at least ten per centum thereon shall be paid at the expiration of each succeeding six months thereafter, until the whole stock shall have been paid in, under the penalty of forfeiting to such association the amount of stock which each individual refusing or neglecting to pay such instalment may have already paid in, and the shares on which such payments shall have been made: *Provided*, That whenever any instalment is required to be paid in, the directors shall first give public notice thereof in the manner directed by the first section of this act, and that no instalment shall be called in after such association shall commence operations exceeding ten per centum at the expiration of each successive six months, unless an earlier or additional call shall be authorized at some stated or special meeting by a vote of the stockholders owning three-fourths of the capital stock. Ten per cent. to be paid in every six months. Notice of instalments.

Sec. 16. The shares of the capital stock of such association shall be assignable according to the by-laws prescribed by such association, but no assignment shall be valid or effectual until such assignment or transfer shall be entered or registered in a book to be kept for that purpose; nor shall any stockholder be capable of assigning or transferring his or her stock in such association until all notes, dues and debts, of whatsoever nature, due to such association from such stockholder, either as drawer or indorser of any note, or otherwise, shall be first paid and discharged. It shall not be competent for such association to deal or trade in the stocks of moneyed or any other corporations, or to increase or reduce the capital stock thereof, without the consent of the legislature. Shares how assignable, and when: Restriction:

Sec. 17. It shall not be lawful for any such banking association to issue, or have outstanding or in circulation at any time, an amount of notes or bills loaned or put in circulation as money, exceeding twice and a half the amount of its capital stock then paid in and actually possessed; nor shall its loans and discounts at any time Limit of issues, &c.

Of loans and discounts.

exceed twice and a half the amount of its capital stock so paid in and possessed.

Of directors and president.

Term of office.

Election.

Sec. 18. The stock, property, affairs and concerns of such association shall be managed and conducted by nine directors, who shall choose one of their own number president, and shall hold their offices for one year and until removed or others are chosen and qualified, and shall be elected on the first Tuesday of January annually, at the banking-house of such association; public notice shall be given thereof at least sixty days previous to the day of election; the election shall be held and made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and a plurality of votes shall be sufficient for a choice; and if it should happen at any election that two or more persons have an equal and the highest number of votes, then the directors in office at the time of such election, or a majority of them, shall proceed to ballot, and by a plurality of votes determine which of the said persons so having an equal number of votes shall be the director or the directors, so as to complete the number of nine; if any director shall cease to be a stockholder, his office shall be vacated; and whenever any vacancy shall happen among the directors, by death, resignation, or removal, such vacancy shall be filled for the remainder of the year in which the same shall happen by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.

Vacation of office.

Special election.

Sec. 19. In case it shall at any time happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been done, such association shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold an election for directors: *Provided*, Thirty days' previous notice shall be given of the time and place of meeting, as provided for in the first section of this act.

Oath of directors.

Sec. 20. The directors, before they enter upon or execute any of the duties of their offices except choosing a president, shall severally take and subscribe an oath or affirmation that they will once at least in every three months, unless absent from the state or prevented by sickness, examine fully into the condition and operations of said association, and write down in a book, to be kept by the bank for that purpose, a true statement of the condition and affairs of the bank at the time of examination (naming the time,) and subscribe under the same his or their own proper

name or names, and faithfully report to the bank commissioner, or such other authority as may from time to time be prescribed by the legislature, whenever they shall discover any violation or abuse of the privileges granted to such association by this act, and that they will in all other respects diligently and honestly perform the duties of their respective offices; which report shall forthwith be communicated to the executive by said bank commissioner or other authority, and by the executive to the legislature, if in session, and if not in session, at its next meeting; which said oaths or affirmations either of the directors is hereby authorized to administer to the president, and then the president shall administer the same to the other directors; and every cashier, clerk and servant of such association, before he enters upon the duties of his office, shall give bond, with two or more securities, to the satisfaction of the directors, conditioned for the faithful performance of his duties. Officers to give security.

Sec. 21. The directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear useful and proper, touching the arrangement and disposition of the stock, property, estate and effects of said association; the duties and conduct of the officers, clerks and others employed therein, and all such other matters as appertain to the business of a banking association; and shall also have power to appoint so many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet. By-laws. Appointment of officers.

Sec. 22. No president or director shall be entitled to any emolument for his services, unless the same shall have been allowed by the stockholders at a general meeting; five directors shall constitute a board for the transaction of business, of which the president shall be one, except in case of necessary absence, when he shall in writing appoint one of the directors, or the directors present may appoint one of their number, to act as president pro tempore; but for making ordinary discounts, not less than three directors shall constitute a board. Salaries. Quorum.

Sec. 23. A general meeting of the stockholders may be called whenever the directors, or a majority of them, shall judge proper, of which meeting the directors shall give thirty days' notice as hereinbefore directed, which notice shall specify the object of such meeting; and it shall and may be lawful for the stockholders of General meeting.

Removal of
directors.

General
meeting, how
called.

Semi-annual
statement of
condition of
banks, &c.

Inspections.

Limit of in-
debtedness.

Liability of
directors.

Of stockhol-
ders.

any banking association to be formed under this act, or of any bank heretofore incorporated by the legislature of this state, to remove any director or directors, a majority of all the votes being given thereupon at a meeting held for any purpose, and of which thirty days' previous notice has been given, and to elect others in their stead; and it shall and may be lawful for persons holding one-fourth of the stock in any such association or bank, at any time, to call in their own names a general meeting of all the stockholders, by giving at least thirty days' notice thereof, but the votes at any such meeting shall always be given according to the provisions of the act by which said association or corporation is created or authorized.

Sec. 24. It shall be the duty of the directors, semi-annually and whenever required by the legislature, to furnish the bank commissioner, or such other officer or officers prescribed by the legislature, a statement, under oath or affirmation, of the condition of such banking association, stating the amount of deposits, the amount of liabilities, the amount of their indebtedness to other companies, to companies and individuals, the amount of debts due from the directors, the amount due from the stockholders, the amount due from all other persons or corporations not however naming thereof the amount of specie in bank, the amount of bills of other banks, the amount of their deposits in other banks, the amount of their stock in companies, the amount of their real estate and other property not herein specified, the amount of capital actually paid in, and containing a true and faithful exhibit of the entire state of such bank, which statement they shall also cause to be published in some newspaper within the state; and the books, papers, and vaults of such association shall be open at all times to the inspection of a clerk, auditor, or commissioner or commissioners, to be appointed by the legislature.

Sec. 25. The total amount of debts which such association shall at any time owe, exclusive of property deposited in the bank, shall not exceed three times the amount of capital stock actually paid in and possessed; and for all excess and all deficits occasioned by insolvency of such bank, the directors in the first place shall be liable in their individual capacity in the full amount of their real and personal property; and each other stockholder shall thereafter be also liable to the amount of stock which he shall hold in such association, in proportion to his or her amount of

stock: *Provided*, That any director who, if present, shall enter his protest, or, if absent, shall within five days after his return to said bank, enter his protest against certain loans, discount, or issues, shall not be liable further than other stockholders for the debts or losses accruing from such loans, discounts, or issues. Proviso.

Sec. 26. The lands, tenements and hereditaments which it shall be lawful for any such association to hold, shall be such only as shall be required for its accommodation in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts; and such association shall not directly or indirectly deal or trade in buying or selling any goods, wares, or merchandize, unless in selling the same when truly pledged by way of security for debts due such association, or purchasing them at sales on judgments which shall have been obtained for any debts previously contracted in the course of its dealings and afterwards selling the same. Restrictions.

Sec. 27. The bills, obligatory and of credit, under the seal of such association, which shall be made to any person or persons, shall be assignable by indorsement thereon, under the hand or hands of such person or persons, his, her or their assignee or assignees, so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her, or their own name or names, and bills or notes which may be issued by order of the said association, promising to pay to any person or persons, his, her or their order, or to bearer, the sum of money, shall be binding and enforceable in like manner and with like force and effect as if they were issued by any person or persons, if issued by him, her, or by him, her or by his, her or their legal or natural capacity or capacities, and shall be assigned and negotiable in like manner as if they were issued by such person or persons; and if such bills, obligatory and of credit, and such bills and notes issued as aforesaid are not paid when the same are due and demanded at the banking-house of such association, or within thirty days thereafter, in the lawful currency of the United States, such association shall be dissolved: *Provided*, The asso- Bills under seal assignable.

Bills not endorsed.

Bills not redeemed within thirty days, corporation dissolved.

Damages for non-payment.

ciation shall pay twenty per centum damages and all costs that may accrue ; and nothing herein contained shall prevent an injunction being issued whenever any payments or demand shall be refused, or the continuance thereof, if the said association, from and after thirty days from the time of the first refusal to redeem their bills in specie, shall not resume the payment of their bills in specie on demand at their banking-house.

Limitation of discounts to directors.

Sec. 28. The whole amount of loans or discounts made to the directors of such association, or to any individual, firm or company, or upon paper on which such directors, or any of them, or any such individual, firm or company, shall be endorsers, shall not any time exceed one-sixth part of the amount which such association shall be entitled to issue.

Stock and property liable for debts of owner.

Sec. 29. The property of every individual member of such association, vested in such corporate funds, shall be liable in the same manner as other personal property is or may be liable by the laws of this state, to the payment and satisfaction of his or her just debts, to any of his or her creditors ; and when any execution or attachment shall be issued against the personal property of any such individual member, and the creditor is desirous that the same should be levied upon the property of such debtor in the said corporate funds, the officer to whom such execution or attachment may be directed, shall levy the same by leaving with the cashier of such bank an attested copy of such execution or attachment, and a written notice that the said execution or attachment is levied upon the property of the said debtor in the said corporate funds ; and such property thus levied upon shall be sold in the same manner as is or shall by law be provided for the sale of personal property taken in execution or upon attachment ; and such corporate funds thus levied upon and sold shall be transferred to the purchaser by entering in the proper book of such association a copy of the said execution or attachment and a statement of the sale of such property by virtue thereof, which entry the officer serving such execution or attachment shall be permitted to make ; and upon any execution or attachment being levied in said bank, it shall be the duty of the cashier of said bank to expose the proper book of the association to the officer and to furnish him a certificate, under his hand and in his official capacity, stating the number of shares the debtor holds in said association, the incumbrances and amount of dividends thereon due.

Manner of levy and sale.

Sec. 30. Such association shall not take more than seven per centum per annum in advance on loans or discounts; and the directors shall make semi-annual dividends on the first Tuesday of January and July in each year.

Per cent. on loans, &c.

Dividends.

Sec. 31. No note or bill shall be issued by such association of a less denomination than one dollar.

No note less than one dollar.

Sec. 32. Every such association shall pay to the treasurer of the state, for the use of the state, one half of one per centum on the amount of the capital stock paid in, in semi-annual payments, on the third Monday of January and third Monday of July in each and every year; and shall be subject to the provisions of this act and the act to create a fund for the benefit of the creditors of certain moneyed corporations, and to such alterations of said acts as shall be from time to time made by the legislature: *Provided*, That no money shall be drawn from said fund until the funds and liabilities of any such association shall fail and prove insufficient to pay all debts due and owing by the same.

One per cent. to be paid in to state treasury.

Proviso.

Sec. 33. Every director or officer in any such banking association, who is required under oath or affirmation to perform certain duties under this act, and who shall wilfully or negligently fail to perform those duties, or shall make false statements or false entries in the books of such association, or shall exhibit false papers with intent to deceive, shall be guilty of felony, and be subject to imprisonment in the state prison for a term not less than two years.

Penalty for neglect or false statement, &c.

Sec. 34. This act shall be favorably construed and received in all courts of justice as a public act; and copies thereof printed under the authority of the legislature, shall be received as evidence without further proof.

Construction.

Sec. 35. Every association incorporated under the provisions of this act, shall continue until the fourth day of March, one thousand eight hundred and fifty-seven.

Continuance.

Sec. 36. The legislature shall at any time have the power to alter or amend this act, and to dissolve any association to be incorporated under its provisions, by a vote of two-thirds of each house.

Power to alter or amend

Sec. 37. No such association shall be allowed to remove its banking-house from the place in which it shall be first established, without the consent of the legislature.

Banking-houses not removable.

Dissolution
by consent.

Proviso.

Responsibility
for debts
due.

Sec. 38. Every such association may be dissolved by consent at any time, by a general meeting of the stockholders, specially summoned for that purpose: *Provided*, at least three-fourths in value shall be present or represented therein; and upon the dissolution of such association, the directors for the time being and the survivors, or survivor of them, shall be *ipso facto* trustees for settling all the affairs of the association, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders at such general meeting shall appoint other persons for that purpose, in which case the persons so appointed and the survivors or survivor shall be trustees or trustee for the purposes aforesaid; and that for all debts which shall be due and owing by such association, at the time of its dissolution, the persons then composing such association shall be individually responsible to the extent of their respective shares of stock and no further.

Approved March 15, 1837.

[No. XLVIII.]

AN ACT to amend an act entitled "An act to incorporate the trustees of the Spring Arbor Seminary," approved March 23, 1835.

Classification
of trustees.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the trustees of said seminary shall be divided by lot, as may be provided by the by-laws of said trustees, into four classes, to be numbered first, second, third and fourth class; those falling into the first class shall go out of office in one year from the first day of May next; the second class shall go out of office in two years from the first day of May next; the third class shall go out of office in three years from the first day of May next; and the fourth class shall go out of office in four years from the first day of May next; and the vacancies shall be filled by the remaining trustees, at their first general meeting, after said vacancies shall occur.

Power of
trustees to
convey lands.

Sec. 2. Said trustees are hereby authorized and empowered to sell and give a deed of any lands which they now own and are desirous of selling; and any deed by them made for the convey-

ance of any land by them sold, shall be good and valid in law, to convey the title of said land to the purchaser or purchasers, excepting twenty acres of land on which said seminary is now located.

Approved March 17, 1837.

[No. XLIX.]

AN ACT appointing commissioners to lay out and establish certain state roads.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be laid out and established a state road, from Whitmanville to the state road at State roads. or near Bainbridge, and Charles John Martin, C. Whitman, John P. Davis and Jehiel Enos, be, and they are hereby, appointed commissioners for that purpose.

Sec. 2. There shall be laid out and established a state road, from Whitmanville to St. Joseph; and Eleazer Morton, John Wolver and E. H. Spaulding, be, and they are hereby, appointed commissioners for that purpose.

Sec. 3. There shall be laid out and established a state road, from Cassopolis, through Berrien to New Buffalo; and Abiel Silver, Isaac Sumner and Pitt Brown, be, and they are hereby, appointed commissioners for that purpose.

Sec. 4. There shall be laid out and established a state road, from the village of Palmer, in the county of St. Clair, to the county site of the county of Lapeer; and Benjamin C. Cox, John M. Oakes and Andrew Palmer, be, and they are hereby, appointed commissioners for that purpose.

Sec. 5. There shall be laid out and established a state road, from the village at the mouth of Black river, in the county of St. Clair, to the county site of the county of Sanilac; and Jonathan Burtch, J. L. Kelsey and M. Carrington, be, and they hereby, appointed commissioners for that purpose.

Sec. 6. There shall be laid out and established a state road, from the village of Newport, in the county of St. Clair, to intersect the Fort Gratiot turnpike, in the county of Macomb; and Nathan Ward, Henry G. Folger and Jones Robertson, be, and they are hereby, appointed commissioners for that purpose.

State roads.

Sec. 7. There shall be laid out and established a state road, from the county seat of Genesee county to the county seat of Washtenaw county; and Ira D. Wright, Philip H. McOmber and Jesse Pinney, be, and they are hereby, appointed commissioners for that purpose.

Sec. 8. There shall be laid out and established a state road, in the county of Wayne, crossing the east line of section thirty-four, in township three, south of range ten east, thence north along said line to the corner of the private land claims, extending back from the Detroit river, thence along the east line of said claims to the south line of fractional number eleven, thence northeasterly along the line of land on said fractional section to the south-east corner of fractional section number two, thence northeasterly to the most suitable ground, until it intersects the road running on the south side of the river road to Denton, thence down said river to the Freeland road, and Labadee's ridge, on the most eligible route to the south side or north side of a small creek, leading into Baubee's creek, on the east side of said Baubee's creek, thence on the most eligible route until it shall intersect Fort street leading to Detroit; and John Martin, Lewis Godard and James Bucklin, be, and they are hereby, appointed commissioners for that purpose.

Sec. 9. There shall be laid out and established a state road, from Algonac, in the county of St. Clair, to the Fort Gratiot turnpike, in the county of Macomb; and Nathan Ward, Joel Tucker and Chester Kimball, be, and they are hereby, appointed commissioners for that purpose.

Sec. 10. There shall be laid out and established a state road, from Liverpool, in Berrien county, to Berrien, in said county; and Pitt Brown, William Huff and E. P. Deacon, be, and they are hereby, appointed commissioners for that purpose.

Sec. 11. There shall be laid out and established a state road, from Berrien, in Berrien county, through Bainbridge, to South Haven, in Van Buren county; and Pitt Brown, John P. Davis and E. P. Deacon, be, and they are hereby, appointed commissioners for that purpose.

Sec. 12. There shall be laid out and established a state road, from St. Joseph, in Berrien county, to the southern boundary of this state, on the most direct and eligible route towards South Bend, in Indiana; and Joseph Bertrand, John K. Finley and

John Whittenmyer, be, and they are hereby, appointed commissioners for that purpose. State roads.

Sec. 13. There shall be laid out and established a state road, from Saint Joseph to the southern boundary of this state, on the most direct and eligible route towards Lakeport, in Indiana ; and John Whittenmyer, Hart L. Stewart and Sampson Stanberry, be, and they are hereby, appointed commissioners for that purpose.

Sec. 14. There shall be laid out and established a state road, from the village of Berrien, running westwardly until it intersects the state road leading from Saint Joseph to New Buffalo ; and William F. St. John, James F. Lord and Joseph F. Barnum, be, and they are hereby, appointed commissioners for that purpose.

Sec. 15. There shall be laid out and established a state road, from Grand Rapids, in the county of Kent, through Kalamazoo, in the county of Kalamazoo, and Centreville, in the county of St. Joseph, to the southern boundary of this state, towards Lima, in Indiana ; and H. Austin, Oliver Raymond and Justus Burdick, be, and they are hereby, appointed commissioners for that purpose.

Sec. 16. There shall be laid out and established a state road, from the county seat of Kalamazoo, to the south line of this state, through the villages of Union City and Branch, in the county of Branch, in the direction of Fort Defiance ; and Joshua Baker, Jared Pond and Joel Burlingame, be, and they are hereby, appointed commissioners for that purpose.

Sec. 17. There shall be laid out and established a state road, from the county seat of Kalamazoo, to the county seat of Barry ; and Lloyd Jones, Sherman Cummings and Mumford Eldred, be, and they are hereby, appointed commissioners for that purpose.

Sec. 18. The twenty-sixth section of the act entitled " An act appointing commissioners to lay out and establish certain state roads," approved 26th July, 1836, be so amended that it shall be competent for the commissioners named in said section, and they are hereby, authorized to change the direction of the road authorized in said section to be laid out and established, in such manner as may appear to them best calculated to suit the convenience of the inhabitants residing in that part of the county of Wayne.

State roads.

Sec. 19. There shall be laid out and established a state road, commencing on the state road leading from Coldwater, through Centreville, at or near the post office in the township of Colon, in St. Joseph county, to run through Leonidas, on the most eligible route to Kalamazoo, in the county of Kalamazoo; and that Lorransie Schelhous, Isaac G. Bailey and Moses Austin, be, and they are hereby, appointed commissioners for that purpose.

Sec. 20. There shall be laid out and established a state road, from the village of Mount Clemens, through the centre of Ray, to the village of Romeo, in the county of Macomb; and that William Lewis, of Mount Clemens, Heman Nye, of Ray, and Aaron B. Rawles, of Romeo, are hereby appointed commissioners for that purpose.

Sec. 21. There shall be laid out and established a state road, from the village of Lapeer, in the county of Lapeer, on the most eligible route, through the town of Hadley to the village of Pontiac, in the county of Oakland; and Henry M. Look, Timothy Wheeler and William Hart, be, and they are hereby, appointed commissioners for that purpose.

Sec. 22. There shall be laid out and established a state road, from White Pigeon to the Indiana line, in the direction of Goshen, in Elkhart county, Indiana; and Robert Clark, jr., Samuel Pratt and H. Kellogg, be, and they are hereby, appointed commissioners for that purpose.

Sec. 23. There shall be laid out and established a state road, from the village of Adrian, in Lenawee county, running from thence through Wolf Creek settlement, (so called) in Lenawee county, at the intersection of the Laplaisance bay road, with the Chicago road, in said county; and Lauren Hotchkiss, L. G. Budlong and Thomas Sackride, be, and they are hereby, appointed commissioners for that purpose.

Sec. 24. There shall be laid out and established a state road, from the Chicago road, at or near Adams' and Kent's mills, in the county of Branch, through a part of the county of St. Joseph, to the northern boundary of Indiana, near Pretty Prairie; and Wales Adams, David M. Clark and Thomas Shane, be, and they are hereby, appointed commissioners for that purpose.

Sec. 25. There shall be laid out and established a state road, from Cassopolis to Adamsville, in Cass county; and Eber Root, Moses Sage and Abram Townsend, be, and they are hereby, appointed commissioners for that purpose.

Sec. 26. There shall be laid out and established a state road, ^{State roads.} from the Chicago road, at or near William P. Arnold's, in the township of Coldwater, to the Indiana line, in township eight south, and range five west; and William P. Arnold, Leymond Bingham and William H. Cross, be, and they are hereby, appointed commissioners for that purpose.

Sec. 27. There shall be laid out and established a state road, from Jacksonburg, in the county of Jackson, to the mouth of Maple river, in the county of Ionia; and William E. Perrine, Tina Lloyd and Philander Howe, be, and they are hereby, appointed commissioners for that purpose.

Sec. 28. There shall be laid out and established a state road, on the most eligible route, from the village of Portsmouth, in the county of Saginaw, to the county seat of Lapeer county, to intersect the state road from Desmond to Lapeer; and Eleazer Jewett, Alpheus Williams and Charles McLane, be, and they are hereby, appointed commissioners for that purpose.

Sec. 29. There shall be laid out and established a state road, from some point near Fort Gratiot, in the county of St. Clair, thence along the shore of Lake Huron to the point of Barques; and Jonathan Burtch, Joel Carrington and Joseph L. Reloey, be, and they are hereby, appointed commissioners for that purpose.

Sec. 30. There shall be laid out and established a state road, from Byron, in the county of Shiawassee, to Shiawassee town, so called, in town six, north of range three east, and from thence to Leach's Place, in section ten of town six, north of range one east, and from thence by the most direct and eligible route to the village of Lyons, in the county of Ionia; and Francis I. Prevost, Archibald Purdy and Henry Leach, be, and they are hereby, appointed commissioners for that purpose.

Sec. 31. There shall be laid out and established a state road, commencing at Jonesville, on the Chicago road, in the county of Hillsdale, running from thence northerly on section lines, or as near as may be, to the village of Concord, in the county of Jackson; thence north to the mouth of Spring creek, which empties into Grand river; and from thence north on section lines, if possible, crossing Grand river, to the route of the Grand river turnpike, running from Detroit to the mouth of Grand river; and Luke L. Ward, Hiram Thompson and Tina Lloyd, be, and they are hereby, appointed commissioners for that purpose.

State roads.

Sec. 32. There shall be laid out and established a state road, commencing at the village of Battle creek, in Calhoun county, and from thence by the most direct and eligible route, to the mouth of Looking Glass river, in the county of Ingham; and Sands McCamly, William C. Fonda and Benjamin Hobart, be, and they are hereby, appointed commissioners for that purpose.

Sec. 33. There shall be laid out and established a state road, from Marshall, in the county of Calhoun, to the village of Allegan, in the county of Allegan, by the following route, viz: commencing at Marshall, from thence to the village of Verona; from thence to Gun Plains, passing north of Gull Prairie, and from thence to the village of Allegan aforesaid, by the most direct and eligible route; and C. W. Spaulding, Silas F. Littlejohn and Cephas A. Smith, be, and they are hereby, appointed commissioners for that purpose.

Sec. 34. There shall be laid out and established a state road, from McCracken's, on the Chicago road, in the town of Pitt, running from thence south-westerly on the most eligible route to the village of Tecumseh; and S. Finch, S. C. Boughton and Leander Pearsons, be, and they are hereby, appointed commissioners for that purpose.

Sec. 35. There shall be laid out and established a state road, commencing at the village of Marshall, in the county of Calhoun, and running from thence on the most direct and eligible route to the county seat of Ionia county; and that Orin Dickinson, John B. Crary and Cyrus Hewitt, be, and they are hereby, appointed commissioners for that purpose.

Sec. 36. There shall be laid out and established a state road, from Bellevue, in the county of Eaton, and to run on the most direct and eligible route to Hastings, the county seat of Barry county; and Andrew L. Hays, Reuben Fitzgerald and Jeremiah P. Woodberry, be, and they are hereby, appointed commissioners for that purpose.

Sec. 37. There shall be laid out and established a state road, at or near Farmington city, so called, in the county of Oakland, running by the head of Walled Lake, to Byron, in the county of Shiawassee, on the most direct and eligible route; and that Erie Prince, Isaac Wixom and John Thomas, be, and they are hereby, appointed commissioners for that purpose.

Sec. 38. There shall be laid out and established a state road, ^{State roads.} from the village of Battle creek, in the county of Calhoun, to Tekonsha, in said county, to be located on the most direct and eligible route; and Moses Hall, of Battle creek, Cornelius Wendall and Samuel Herninway, jr., of Tekonsha, be, and they are hereby, appointed commissioners for that purpose.

Sec. 39. There shall be laid out and established a state road, from Tekonsha, in the county of Calhoun, to Adrian, in the county of Lenawee, which shall run on the most direct and eligible route; and Harris C. Goodrich, Samuel Herninway, jr. and Addison I. Comstock, be, and they are hereby, appointed commissioners for that purpose.

Sec. 40. There shall be laid out and established a state road, commencing at Plymouth Four Corners, in the county of Wayne, thence running westerly to Sutton, in Northfield, on the Sutton road, so called; thence with said road to Dexter village, in the county of Washtenaw; and from thence on the most direct and eligible route to the village of Battle creek, in the county of Calhoun; and Henry Warner, Nelson H. Wing and Joseph Arnold, be, and they are hereby, appointed commissioners for that purpose.

Sec. 41. There shall be laid out and established a state road, commencing at the village of Marshall, in the county of Calhoun, and from thence to Saginaw city, so called, in the county of Saginaw, which shall be located on the most direct and eligible route; and Sidney S. Alcott, Cyrus Hewitt and Charles T. Gorham, be, and they are hereby, appointed commissioners for that purpose.

Sec. 42. There shall be laid out and established a state road, from the village of Pontiac, in the county of Oakland, by the most direct and eligible route, to the village of Lyons, in the county of Ionia; and Truman H. Lyon, A. F. Bell and John McKelvey, be, and they are hereby, appointed commissioners for that purpose. The eighteenth section of the act entitled "An act appointing commissioners to lay out and establish certain state roads," passed July 26, 1836, be, and the same is hereby, repealed.

Sec. 43. So much of the twenty-second section of the act entitled "An act appointing commissioners to lay out and establish certain state roads," approved July 26, 1836, be, and the same is hereby, so amended as to authorize the commissioners to pass the river

State roads.

Huron the north side of Bass Lake, if they should deem it advisable, and from thence to the county seat of Ingham county; and from thence, by the most direct and eligible route, to the village of Allegan, in the county of Allegan; and William Babcock be appointed a commissioner in the place of Enoch Baker.

Sec. 44. There shall be laid out and established a state road, from the seat of justice in Eaton county, to Cashway's trading point on Maple river, in the county of Clinton, on the most direct and eligible route; and William Wheeton, Stephen B. Rogers and Philander R. How, be, and they are hereby, appointed commissioners for that purpose.

Sec. 45. There shall be laid out and established a state road, from Dewitt, in Clinton county, to P. Shimnecon, in the county of Ionia; and said road shall be run on the most direct and eligible route; and Sylvester Scott, Alexander Chapel and Philander R. How, be, and they are hereby, appointed commissioners for that purpose.

Sec. 46. In laying out and establishing the roads, or any of the roads, named in the preceding sections, the state shall not be liable for the expenses or damages incurred thereby; and in case the several roads are not surveyed and laid out in two years from the passage of this act, then the provisions herein shall be void and of none effect.

Approved March 17, 1837.

[No. L.]

AN ACT to repeal the ninth section of an act to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases, approved April 23, 1833.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the ninth section of an act to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases, approved April 23, 1833, be, and the same is hereby, repealed.

Ninth section
of act of A-
pril 23, 1833,
repealed.

Approved March 17, 1837.

[No. LI.]

AN ACT to organize the counties of Ionia and Van Buren.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the county of Ionia be, ^{Ionia co. or-} and the same is hereby, organized; and the inhabitants thereof ^{ganized.} entitled to all the rights and privileges to which by law the inhabitants of the other counties of this state are entitled.

Sec. 2. That the county of Van Buren be, and the same is ^{Van Buren} hereby, organized; and the inhabitants thereof entitled to all the ^{county or-} rights and privileges to which by law the inhabitants of the other ^{ganized.} counties of this state are entitled.

Sec. 3. All suits, prosecutions and other matters now pending ^{Jurisdiction} before any court, or before any justice of the peace, of either of ^{in suits now} the counties, to which the said counties of Ionia and Van Buren ^{pending.} are now attached for judicial purposes, shall be prosecuted to final judgment and execution; and all taxes heretofore levied, shall be collected in the same manner as though this act had not passed.

Sec. 4. The circuit court for the county of Ionia, shall be held, until public buildings shall be erected, at such place as the super- ^{Of the circuit} visors of such county shall provide, at the seat of justice in said ^{court of Io-} county, on the last Monday of May and in November, in each ^{nia co.} year.

Sec. 5. The circuit court for the county of Van Buren, shall ^{Of the circuit} be held for one year from the first day of November next, at such ^{court of Van} place as the supervisors of said county shall provide in said ^{Buren co.} county, on the first Monday in June and December in each year, and after said first day of November, 1838, at the seat of justice in said county.

Sec. 6. All that part of the state lying north of the county of ^{Country at-} Ionia, and not included in any organized county, be, and the same ^{tached to Io-} is hereby, attached to the county of Ionia for judicial purposes. ^{nia co.}

Sec. 7. All that part of the state lying north of the counties of ^{Country at-} Kent and Ottawa, and not included in any organized county, be, ^{tached to} and the same is hereby, attached to the county of Kent for judi- ^{Kent co.} cial purposes.

Sec. 8. There shall be elected in each of the said counties of ^{or elections.} Ionia and Van Buren, on the second Monday of April next, all the several county officers to which by-law the said counties are,

entitled ; and whose terms of office shall severally expire at the time the same would have expired, had they been elected on the first Monday and the next succeeding day of November last ; and said election shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and state officers.

Board of
canvassers.

Sec. 9. In each of said counties, the board of county canvassers under this act, shall consist of two of the presiding inspectors of said election from each township ; and said board shall meet in their respective counties on the Thursday next after said election, at the county seat, at one o'clock, P. M. of said day, and organize by the appointment of one of their number chairman and another secretary of said board ; and thereupon proceed to calculate and ascertain the whole number of votes given at such election for any individual for either of said offices, and shall set down the names of the several individuals so voted for, and the number of votes given to each, for either of said offices in said county, in words at full length, and certify the same to be a true canvass of the votes given at such election in said county ; and that the person receiving the highest number of votes for either of said offices, is duly elected to said office, which certificate shall be signed by the chairman and secretary, and delivered to the clerk of said county, to be filed and kept in said office.

Of election
for county of-
ficers.

Sec. 10. In case the election for county officers shall not be held on the second Monday of April, as provided in the eighth section of this act, the same may be held on the first Monday of May next.

Commence-
ment.

Sec. 11. This act shall be in force, and take effect, on and after the first Monday in April next.

Approved March 18, 1837.

[No. LII.]

AN ACT to amend an act entitled "An act to regulate highways."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That every person who shall be assessed on the highway, shall work the whole number of days he shall be so assessed ; or commute for the same at the

Commuta-
tion for taxes

rate of one dollar for each day : *Provided*, That no highway tax ^{Proviso.} so assessed and collected shall be expended out of the surveyed township and district in which the lands so situated are taxed.

Sec. 2. Whenever any road shall be located through any un- ^{Damages for opening roads thro' unimproved lands.} improved lands, if not on section lines, the owner or owners of any such lands shall be entitled to the same remedy and compensation for damages, as is or may be provided for by law in case of improved lands.

Approved March 18, 1837.

[No. LIII.]

AN ACT for the relief of Martin Kundig.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the treasurer of the state be, and he is hereby, authorized to pay to Martin Kundig, on ^{Compensation to Mr. Kundig.} the warrant of the auditor general, the sum of three thousand dollars, out of any money in the treasury not otherwise appropriated, as a compensation for his services and expenses, in relieving the poor and distressed in time of the cholera in the city of Detroit in 1834.

Approved March 18, 1837.

[No. LIV.]

AN ACT to authorize the supervisors of the county of St. Joseph to loan a certain sum of money.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors of the county of St. Joseph, be, and they are hereby, authorized to ^{Supervisors authorized to borrow \$10,000.} borrow on the credit of the county, for the purpose of erecting public buildings in said county, at the place designated by the commissioners who located the present seat of justice for said county, a sum of money not exceeding ten thousand dollars, for a term not less than seven, nor more than twenty years, and at an interest not exceeding seven per centum per annum; which said sum, or so much as may be deemed expedient to borrow, shall be paid into the treasury of said county, to be drawn therefrom by

Proviso.

order of said board of supervisors whenever necessary, and appropriated for the purpose of erecting county buildings as aforesaid: *Provided*, That a majority of the qualified electors of said county, at the ensuing annual township meeting to be held in April next, in their respective townships in said county, shall vote in favor of negotiating the said loan.

Loan to be authorized by vote of township.

Sec. 2. The township boards in the several townships in said county, are hereby authorized and required to receive the votes of each qualified elector, who shall present a vote for or against authorizing the said loan; and those who vote in favor shall have the word "Yes" upon their ballots, and those who vote against, shall have the word "No;" and said words alone shall be construed to mean in favor of or against authorizing said loan, as the case may be: And the said township boards shall make correct returns, duly certified, of all the votes so given, to the county clerk of said county, by appointing one of their number to be the bearer thereof to said clerk; and the persons so appointed by the several township boards, shall, on the Thursday next succeeding said township meetings, at two o'clock, P. M., meet at the office of said clerk, who, when so assembled together, shall proceed to canvass the said votes and returns, and the result thereof shall be written down and certified in the presence of said canvassers by the said clerk, and the same shall be filed in his office; and a true copy thereof shall be by him published in a newspaper printed in said county for two weeks, at the expense of said county.

Effect of failure to make return of votes.

Sec. 3. In case any of said township boards, or any person or persons appointed to make returns therefrom, shall fail to make such returns agreeably to the foregoing requisitions, the question of loaning shall not on that account be deemed to have been decided; but it is hereby made the duty of the said county clerk, after ascertaining such delinquencies, forthwith to obtain in person from the delinquent township boards, or from a majority of the members thereof, a true and correct statement in writing, under oath, to be administered by him, of all the votes polled at said township meeting relative to authorizing said loan; and the supervisors of said county shall allow said clerk a just and proper compensation for his services: And any person or persons, who shall refuse or neglect to perform any or all of the duties required of him or them by this act, shall forfeit and pay, for the use of

Penalty for such failure.

the treasury of said county, the sum of five hundred dollars, to be prosecuted for in an action of debt by the district attorney of said county, before the circuit court thereof.

Sec. 4. The said board of supervisors; before depositing in the county treasury the money hereinbefore authorized to be loaned, in the event the electors aforesaid being in favor thereof, shall require of the county treasurer, and it is hereby made his duty to give a special bond in the penal sum of twenty thousand dollars, to the said board, with at least three good and sufficient sureties, to be approved of by the associate judges of said county, which said bond shall be filed in the office of the clerk of the county, and be conditioned for the faithful and prompt payment of all such sums of money as the said board shall order and appropriate for the erection of said county buildings, until the whole amount loaned and deposited in the treasury for that purpose shall have been expended. Treasurer to
issue bond.

Sec. 5. The said board of supervisors are hereby authorized and it is made their duty to provide for the payment of such sum, whether principal or interest, that may accrue under the aforesaid loans, in the same manner as is provided for in case of other contingent expenses of said county; unless the said board should determine that it would better serve the interests of said county to pay the same or any part thereof by disposition of any or all the real estate owned by the county aforesaid. Reimburse-
ments.

Sec. 6. The said board may appoint, if they think proper, and the same remove at pleasure, one or more agents, to superintend the erection of said county buildings, with such powers and for such compensation as they may determine for that purpose. Superintend-
ent of coun-
ty buildings.

Approved March 13, 1837.

[No. LV.]

AN ACT to amend an act entitled "An act to incorporate the village of Niles."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of the town of Niles, in Berrien county, as is contained within the limits of the following additions of the village of Niles, to wit: Jacob Beeson's, Obed P. Lacey's, Henry B. Hoffman's, G. N. and Charles Bond's, Limits en-
tended.

Alvin I. Dunbar's and John S. Potwin's additions ; and also the land lying between Front street and the river St. Joseph, extending from Green and Hoffman's addition to Obed P. Lacy's addition to said village, shall, from and after the passage of this act, for all purposes whatsoever, constitute and be a part of the village of Niles ; and the inhabitants thereof shall be subject to all the provisions of the act to which this is amendatory.

Money raised
by tax to be
expended
where levied.

Sec. 2. All moneys raised by tax, imposed by the common council of the village of Niles, upon the property included within the limits of the various additions which by this act are included within the corporate boundaries of the said village of Niles, shall be laid out and expended upon such additions as yield the tax.

Approved March 18, 1837.

[No. LV.]

AN ACT to provide for the organization and government of the "University of Michigan."

Name. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be established in this state an institution under the name and style of "The University of Michigan."

Object. Sec. 2. The objects of the university shall be to provide the inhabitants of the state with the means of acquiring a thorough knowledge of the various branches of literature, science and the arts.

Government. Sec. 3. The government of the university shall be vested in a board of regents, to consist of twelve members and a chancellor, who shall be ex-officio president thereof ; which board shall be nominated by the governor, and appointed by and with the advice and consent of the senate.

Members ex-officio. Sec. 4. The governor, lieutenant governor, judges of the supreme court and chancellor of the state, shall be ex-officio members of said board. A secretary shall be appointed by said board, whose duty it shall be to record all the proceedings of the board, and carefully preserve all its books and papers.

Classification of regents. Sec. 5. The regents appointed by the third section of this act, shall, on their first meeting, be divided by the secretary into four classes of three each, to be numbered one, two, three and four ;

and of four ballots, so to be numbered, the class which shall draw number one shall continue in office one year ; number two, two years ; number three, three years ; and number four, four years.

Sec. 6. The regents to be appointed pursuant to the third section of this act, and their successors in office, shall constitute a body corporate, with the name and title of the "Regents of the University of Michigan ;" with the right as such of suing and being sued, of making and using a common seal and altering the same at pleasure.

Sec. 7. The regents shall have power, and it shall be their duty, to enact laws for the government of the university ; to appoint the prescribed number of professors, and the requisite number of tutors ; also to determine the amount of their respective salaries ; and also to appoint a steward and fix the amount of his salary.

Sec. 8. The university shall consist of three departments. Departments.

1st. The department of literature, science and the arts.

2d. The department of law.

3d. The department of medicine.

In the several departments there shall be established the following professorships : Professorships.

In the department of literature, science and arts, one of ancient languages ; one of modern languages ; one of rhetoric and oratory ; one of philosophy of history, logic and philosophy of the human mind ; one of moral philosophy and natural theology, including the history of all religions ; one of political economy ; one of mathematics ; one of natural philosophy ; one of chemistry and pharmacy ; one of geology and mineralogy ; one of botany and zoology ; one of fine arts ; one of civil engineering and architecture : In literature, science and arts. In the department of law, one of natural, international and constitutional law ; one of common and statute law and equity ; one of commercial and maritime law : In law. In the department of medicine, one of anatomy ; one of surgery ; one of physiology and pathology ; one of practice of physic ; one of obstetrics and the diseases of women and children ; one of materia medica and medical jurisprudence : In medicine. *Provided*, That in the first organization of the university, the regents shall so arrange the professorships, as to appoint such a number only as the wants of the institution shall require ; and to increase them from time to time, as the income of the fund shall warrant, and the public

interests demand : *Provided, always,* That no new professorships shall be established without the consent of the legislature.

Government
of depart-
ments.

Sec. 9. The immediate government of the several departments, shall be entrusted to their respective faculties ; but the regents shall have power to regulate the course of instruction, and prescribe, under the advice of the professorship, the books and authorities to be used in the several departments ; and also to confer such degrees and grant such diplomas as are usually conferred and granted in other universities.

Power of re-
gents.

Sec. 10. The regents shall have power to remove any professor or tutor, or other officers connected with the institution, when in their judgment the interests of the university shall require it.

Appoint-
ment of offi-
cers.

Sec. 11. At their first meeting the board of regents shall appoint a secretary, librarian and treasurer, who shall hold their offices during the pleasure of the board. The treasurer shall give such bonds as the regents may direct, for the faithful performance of the duties of his office ; and shall keep a true and faithful account of all moneys received and paid out.

Admission
fees.

Sec. 12. The fee of admission to the university shall never exceed ten dollars ; and it shall be open to all persons resident in this state, who may wish to avail themselves of its advantages, without charge of tuition, under the regulations prescribed by the regents, and to all others under such restrictions and regulations as said regents shall prescribe.

Disposition
of moneys.

Sec. 13. The moneys thus received shall go into the hands of the treasurer ; and so much of such moneys as are needed for the purpose, shall be expended by the regents in keeping the university buildings in good condition and repair ; and the balance be appropriated for the increase of the library.

Board of visi-
ters.

Sec. 14. A board of visitors, to consist of five persons, shall be appointed annually by the superintendent of public instruction, whose duty it shall be to make a personal examination into the state of the university, in all its departments, and report the result to the superintendent, suggesting such improvements as they may deem important, which report shall be transmitted to the legislature at its next session.

Annual ex-
hibit.

Sec. 15. It shall be the duty of the regents to make an exhibit of the affairs of the university each year to the board of visitors, setting forth the condition of the university, the amount of expenditures, the number of professors and tutors, and the salaries of

each ; the number of students in the several departments and in the different classes ; the books of instruction used, and such other information as the board may require, together with an estimate of expenses for the ensuing year.

Sec. 16. As soon as the state shall provide funds for that purpose, the board of regents shall proceed to the erection of the necessary buildings for the university, on the ground to be designated by the legislature, and in such manner as shall be prescribed by law. Buildings.

Sec. 17. The regents shall have power, and it shall be their duty, faithfully to expend all moneys which may be from time to time appropriated for books and apparatus, for the use and benefit of the university. Appropriations.

Sec. 18. It shall be the duty of the board of regents, together with the superintendent of public instruction, to establish such branches of the university in the different parts of the state, as shall be from time to time authorized by the legislature ; also to establish all needful rules and regulations for the government of such branches : *Provided always*, That nothing in this act shall be so construed as to grant to any such branch the right of conferring degrees ; and that said branches so to be established, shall not be more than one in any one organized county of the state. Branches. Provide.

Sec. 19. In connection with every such branch of the university, there shall be established an institution for the education of females in the higher branches of knowledge, whenever suitable buildings shall be prepared, to be under the same general direction and management as the branch with which it is connected. Female department.

Sec. 20. In each of the branches of the university, there shall be a department of agriculture, with competent instructors in the theory of agriculture, including vegetable physiology and agricultural chemistry, and experimental and practical farming and agriculture. Whenever such branch shall be formed, there shall also be established in each a department especially appropriated to the education of teachers for the primary schools, and such other departments as the regents shall judge necessary to promote the public welfare. Agricultural department.

Sec. 21. Whenever the branches of such university, or any of them, shall be established, as hereinbefore provided, there shall be apportioned to each, in proportion to the number of scholars therein, such sums for the support of its professors and teachers, Support of branches.

and also such other sums for the purchase of books and apparatus, as the state of the university fund shall warrant and allow.

Meeting of
the board.

Sec. 22. The first meeting of the regents of the university shall be held within three months of the time of their appointment, at such time and place as the governor of this state shall designate; and it shall be the duty of the governor of this state to give seasonable notice to each member of the board of the time and place of such meeting; subsequent meetings may be called in such manner as the regents at the first meeting may prescribe; and seven of them so assembled, shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time.

Plan of build-
ings.

Sec. 23. The board of regents are hereby authorized and required, on or before the first Monday of January next, to procure the best and most appropriate plan for the university buildings, which plan, if approved of by the governor and superintendent of public instruction, shall be adopted by the regents of the university.

Approved March 18, 1837.

[No. LVI.]

AN ACT to organize the county of Shiawassee, and to attach the county of Clinton to the same for judicial purposes.

Organiza-
tion.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county of Shiawassee be, and the same is hereby, organized for county purposes; and the inhabitants thereof shall be entitled to all the rights and privileges to which by law the inhabitants of other counties of this state, organized since the adoption of the constitution, are entitled.

Of suits, &c.

Sec. 2. All suits and prosecutions in law pending at the time of the taking effect of this act, between inhabitants of Shiawassee county, or inhabitants of any other county and inhabitants of Shiawassee, shall be prosecuted to final judgment and execution; and all taxes heretofore levied and unpaid, shall be collected in the same manner as though this act had not taken effect.

Sec. 3. The circuit court of the county of Shiawassee, shall be held at the county seat if practicable ; and if not, at such other place as the sheriff of said county shall provide, until county buildings shall be erected.

Sec. 4. The county of Shiawassee shall belong to the second judicial circuit, and the terms of the circuit court shall commence on the first Monday of June and December, in each year.

Sec. 5. There shall be elected in said county, on the second Monday of May, and the next succeeding day, all the county officers which by law the organized counties are entitled to elect, and the terms of all said officers shall expire at the same time that they would, provided they had been elected at the annual election in November last ; and the said election shall be held and conducted, and the returns made and certified, in all respects as is provided for in the act organizing the county of Ionia, and providing for the election of county officers in that county.

Sec. 6. The county of Clinton shall be attached to the county of Shiawassee for judicial purposes, and all suits touching the rights of the inhabitants of Clinton county, pending in any court, and all taxes unpaid at the time of the taking effect of this act, shall be continued and proceeded upon in like manner as though this act had not taken effect.

Approved March 18, 1837.

[No. LVII.]

AN ACT to authorize the president and trustees of the village of Niles to loan a certain sum of money therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the president and trustees of the village of Niles, with the assent of the qualified electors of said village, are hereby authorized to contract a loan for the use of said village, of a sum not exceeding twenty thousand dollars, for a term not exceeding thirty, and not less than twenty years, at a rate of interest not more than seven per centum per annum ; which said sum, if borrowed, shall be applied for the improvement of the streets and bridges and erection of market-houses in said village.

Approved March 18, 1837.

[No. LVIII.]

AN ACT to authorize and regulate limited partnerships.

Partnership
objects.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That limited partnerships, for the transaction of any mercantile, mechanical, or manufacturing business within this state, may be formed by two or more persons, upon the terms, with the rights and powers, and subject to the conditions and liabilities herein prescribed ; but the provisions of this act shall not be construed to authorize any such partnership for the purpose of banking or making insurance.

General and
special part-
ners.

Sec. 2. Limited partnerships may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible as general partners now are by law ; and of one or more persons who shall contribute a specific amount of capital in cash, or other property at cash value, which value to be agreed upon by all interested, to the common stock, who shall be called special partners, and who shall not be liable for the debts beyond the fund so contributed by him or them to the capital.

Power of ge-
neral part-
ners.

Sec. 3. The general partners only, shall be authorized to transact business, and sign for the partnership, and to bind the same.

Partnership
certificate.

Sec. 4. The persons desirous of forming such partnerships, shall make and severally sign a certificate, which shall contain first, the name or firm under which such partnership is to be conducted ; second, the general nature of the business intended to be transacted ; third, the names of all the general and special partners interested therein, distinguishing which are general and which are special partners, and their respective places of residence ; fourth, the amount of capital which each special partner shall have contributed to the common stock ; fifth, the period at which the partnership is to commence, and the period at which it will terminate.

Acknow-
ledgment of
certificate.

Sec. 5. The certificate shall be acknowledged by the several persons signing the same before some officer of the state, county or township, who is by law authorized to take the acknowledgment of deeds, and such acknowledgment shall be made and certified in the same manner as acknowledgments of deeds of lands.

Sec. 6. The certificate so acknowledged and certified, shall be filed in the office of the clerk of the county in which the principal place of business of the partnership shall be situated, and shall also be recorded by him at large, in a book to be kept for that purpose, open to public inspection. If the partnership shall have places of business situated in different counties, a transcript of the certificate and of the acknowledgment thereof, duly certified by the clerk in whose office it shall be filed, under his official seal, shall be filed and recorded in like manner in the office of the clerk of every such county.

Certificate recorded in same co.

Sec. 7. At the time of filing the original certificate, with the evidence of the acknowledgment thereof, as before directed, an affidavit of one or more of the general partners shall also be filed in the same office, stating that the amount in money, or other property at cash value, specified in the certificate to have been contributed by each of the special partners to the common stock, has been actually and in good faith contributed and applied to the same.

Affidavit of general partner.

Sec. 8. No such partnership shall be deemed to have been formed, until a certificate shall have been made, acknowledged, filed and recorded, nor until an affidavit shall have been filed as above directed ; and if any false statement be made in such certificate or affidavit, all the persons interested in such partnership shall be liable for all the engagements thereof as general partners.

Partnership formed.

Sec. 9. The partners shall publish the terms of the partnership, when registered, for at least six weeks immediately after such register, in two newspapers, to be designated by the clerk of the county in which such register shall be made, and to be published in the senatorial district in which their business shall be carried on ; and if such publication be not made, the partnership shall be deemed general.

Terms of partnership published.

Sec. 10. Affidavits of the publication of such notice, by the printers of the newspapers in which the same shall be published, may be filed with the clerk directing the same, and shall be evidence of the fact therein contained.

Affidavit of publication.

Sec. 11. Every renewal or continuance of said partnership, beyond the time originally fixed for its duration, shall be certified, acknowledged and recorded ; and an affidavit of a general partner be made and filed, and notice be given in the manner herein

Renewal or continuance.

required for its original formation; and every such partnership, which shall be otherwise renewed or continued, shall be deemed a general partnership.

Effect of alteration.

Sec. 12. Every alteration which shall be made in the names of the partners, in the nature of the business, or in the capital, or in the shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution of the partnership; and every such partnership which shall, in any manner, be carried on after any such alteration shall have been made, shall be deemed a general partnership, unless renewed as a special partnership, according to the provisions of the last section preceding.

Business, how conducted.

Sec. 13. The business of the partnership shall be conducted under a firm in which the names of the general partners only shall be inserted, and without the addition of the word "company," or any other general term; and if the name of any special partner shall be used in such firm, with his privity, he shall be deemed a general partner.

Suits.

Sec. 14. Suits in relation to the business of the partnership, shall be brought and conducted by and against the general partners, in the same manner as if there were no special partners.

No capital to be withdrawn.

Sec. 15. No part of the amount which any special partner shall have contributed to the capital stock, shall be withdrawn by him, or paid or transferred to him in the shape of dividends, profits, or otherwise, at any time, during the continuance of the partnership; but any partner may annually receive lawful interest on the amount so contributed by him, if the payment of such interest shall not reduce the original amount of such capital; and if after the payment of such interest, any profits shall remain to be divided, he may also receive his portion of such profits.

Capital reduced to be restored.

Sec. 16. If it shall appear, that by the payment of interest or profits to any special partner, the original capital has been reduced, the partner receiving the same shall be bound to restore the amount necessary to make good his share of capital with interest.

Powers of special partner.

Sec. 17. A special partner may, from time to time, examine into the state and progress of the partnership concerns, and may advise as to their management; but he shall not transact any business on account of the partnership, nor be employed for that purpose as agent, attorney, or otherwise. If he shall interfere, contrary to these provisions, he shall be deemed a general partner.

Sec. 18. The general partners shall be liable to account to each other, and to the special partners, for their management of the concern, both in law and equity, as other partners now are by law. Liability of general partners.

Sec. 19. Every partner who shall be guilty of any fraud in the affairs of the partnership, shall be liable civilly to the party injured, to the extent of his damage; and shall also be liable to an indictment for a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court by which he shall be tried. or fraud.

Sec. 20. Every sale, assignment, or transfer of any of the property or effects of such partnership, made by such partnership when insolvent, or in contemplation of insolvency, or after, or in contemplation of the insolvency of any partner, with the intent of giving preference to any creditor of such partnership or insolvent partner over other creditors of such partnership, and every judgment confessed, lien created, or security given by such partnership, under the like circumstances, and with the like intent, shall be void as against the creditors of such partnership. Sales when insolvent, void.

Sec. 21. Every such sale, assignment, or transfer of any of the property or effects of a general or special partner, made by such general or special partner, when insolvent, or in contemplation of insolvency, or after, or in contemplation of the insolvency of the partnership, with the intent of giving to any creditor of his own, or of the partnership, a preference over the creditors of the partnership, and every judgment confessed, lien created, or security given by any such partner, under the like circumstances, and with the like intent, shall be void as against the creditors of the partnership. Sales, &c. when void against creditors.

Sec. 22. Every special partner who shall violate any provision of the two last preceding sections, or who shall concur in or assent to any such violation by the partnership, or by any individual partner, shall be liable as general partner. Liability of special partners.

Sec. 23. In case of the insolvency or bankruptcy of the partnership, no special partner shall, under any circumstances, be allowed to claim as a creditor, until the claims of all the other creditors of the partnership shall be satisfied. Special partner not to claim as a creditor.

Sec. 24. No dissolution of such partnership, by the acts of the parties, shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, until a Dissolution.

notice of such dissolution shall have been filed and recorded in the clerk's office in which the original certificate was recorded, and published, once in each week for four weeks, in a newspaper printed in each of the counties where the partnership may have places of business, and in the state paper.

Approved March 18, 1837.

[No. LIX.]

AN ACT to attach a certain township in the county of Livingston, for township government, to the township of Hartland.

Limits.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all that part of the county of Livingston, known as township four, north of range six east, in the county of Livingston, shall be, and the same is hereby, attached to, and made a part of, the township of Hartland, in said county.

Approved March 18, 1837.

[No. LX.]

AN ACT to provide for the relief of Thomas Snyder.

Compensation for detention in jail.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the treasurer of the state, be, and he is hereby, authorized to pay Thomas Snyder, on the warrant of the auditor general, the sum of one hundred and eighty-two dollars and fifty cents, out of any money in the treasury not otherwise appropriated, as a compensation for being detained in jail for one year, as a witness to give evidence in behalf of the people of the territory of Michigan, in a case of murder in the year 1832.

Approved March 18, 1837.

[No. LXI.]

AN ACT to incorporate the "Dowagiac Hydraulic company."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Obed P. Lacey, Elijah Lacey, Erasmus Winslow, Rodney C. Paine, and all such persons as shall become stockholders of said company, and their successors be, and they are hereby, ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the "Dowagiac Hydraulic company;" and by that name, they and their successors shall and may have continued succession for fifteen years; may have a common seal and change the same at pleasure; and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors, by the name of the "Dowagiac Hydraulic company," shall be in law capable of purchasing and holding and conveying any estate, real or personal, necessary for the construction of a canal, and for the use of said company, in the village of Niles, within the limits of Lacey's addition to said village.

Sec. 2. The capital stock of said company shall be fifty thousand dollars, to consist of one thousand shares of fifty dollars each; to be paid in, in such instalments, and at such times as the directors for the time being may require: *Provided*, That no instalment shall exceed five dollars on a share, and previous notice shall be given whenever the payment of any instalment is required, by advertising in a newspaper printed three successive weeks in said Berrien county. The shares of the capital stock shall be deemed personal estate, and transferrable in such manner as shall be prescribed in the by-laws of said company.

Sec. 3. That the stock, property, affairs and concerns of the said company, shall be conducted and managed by seven directors, who shall be stockholders, five of whom shall reside within five miles of Niles; which directors shall be elected on the first Tuesday of May, in each and every year, and hold their office for one year, and until their successors are elected and qualified, at such hour and place in said village as the directors

	in office may appoint ; and public notice shall be given by the directors at least ninety days previous to the day of election, by advertisement, to be inserted in a public newspaper printed in the county of Berrien, or by posting the same in five of the most public places in and near said Niles ; said election shall be made by ballot, by the stockholders, either in person or by proxy, (who shall be a stockholder ;) each share shall be entitled to one vote, and the seven persons having the greatest number of votes shall be the directors ; and the directors in office, or a majority of them, shall preside at and conduct the election. All vacancies occasioned in any way shall be filled by the remaining directors.
Vacancies, how filled.	The directors shall, immediately after their election, appoint one of their number president. If at any time it shall happen that an election shall not be made on the day herein prescribed, it shall be lawful to make it on any other day, by giving the like notice. Each director shall take an oath to perform his duty as such, faithfully, honestly, impartially and in conformity with the provisions of this act.
President.	
Oaths.	
Powers of di- rectors.	Sec. 4. A majority of the directors shall have power to appoint the time and place of all meetings for the despatch of business ; to appoint all such officers, agents and superintendents and servants, as they shall deem proper for carrying into effect the powers of this act vested in said company, and to establish rules and by-laws for the conduct and government of the same.
Annual statement.	Sec. 5. Said directors, at each annual meeting for the election of officers, shall exhibit a true statement of the affairs of the company, stating the amount of stock, debts, credits, estate, and of loss and gain ; a true copy of which shall be laid before the legislature of this state annually ; the stockholders may, if they think proper, elect a committee of three persons from their number, to examine the books and papers of the company, who shall have free access to the same, and state the same to a public meeting to be called by them for that purpose ; that in case any stockholders shall neglect or refuse to pay into the hands of the directors the amount due on his or her stock as directed by law, for the term of thirty days, he, she or they, shall forfeit his, her or their shares, on which the same remains unpaid, unless otherwise ordered by the directors ; and it shall also be lawful for the said directors to make division and pay to the stockholders respectively, in proportion to their instalments, the profits and sur-
Powers of stockholders.	
Forfeiture for non-pay- ment of in- stalments.	
Dividends.	

plus capital which shall accrue or belong to the said company, at such time as they shall see fit, or employ the same for the best advantage of said stockholders.

Sec. 6. The said company shall, within two years, cause to be constructed a canal, connecting the Dowagiac river with the St. Joseph, of at least thirty feet wide and four feet deep, and as soon thereafter as may be, to further improve the water power of said company at said Niles; in default whereof, the said company shall be dissolved; and upon the dissolution of the said corporation, the directors for the time being shall be trustees for settling all the affairs of the company, and making a dividend among the stockholders in proportion to their interest.

Construction
of canal.

Penalty for
default.

Sec. 7. Nothing contained in this act shall be construed to authorize or empower said company to carry on banking business, or to use or employ the funds or any part thereof, or to permit the same to be used or employed in the purchase of stock of any bank, or any other stock for any purpose, or in any manner whatsoever, not expressly authorized by this act; and the individual stockholders of said company shall be, and they are hereby, made liable for all demands against said corporation, in the same manner and to the same amount as individual partners are liable for demands against the firm of which they are partners.

Banking, &c.
prohibited.

Stock per-
sonal prop-
erty.

Sec. 8. The property of each stockholder vested in the stock of said company, shall be deemed personal property, and liable to be taken in execution for the payment of any of his, her or their just debts, in such manner as is or may be prescribed by law.

Sec. 9. The legislature may alter, amend or repeal this act by a vote of two-thirds of each house.

Power of re-
peal, &c.

Approved March 18, 1837.

[No. LXII.]

AN ACT to amend "An act appointing commissioners to lay out and establish certain state roads," approved July 23, 1836.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Guy C. Lee is hereby appointed commissioner in the place of F. J. B. Crane, of Livingston county, for the purpose of laying out a state road from Alle-

Commission-
er.

gan, in the county of Allegan, to Howell, in the county of Livingston.

Approved March 18, 1837.

[No. LXIII.]

AN ACT to provide for the organization and support of primary schools.

ARTICLE I.

Primary school districts, their powers and duties.

Notice describing boundaries and time and place of meeting.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever any school district shall be formed in any township by the board of school inspectors, it shall be the duty of said board to deliver a notice in writing, describing the boundaries of said district, and the time and place of the first meeting, to a taxable inhabitant of such district.

Form of notice of first meeting.

Sec. 2. It shall be the duty of such inhabitant to notify every qualified voter of such district, either personally or by leaving a written notice at his place of residence, of the time and place of said meeting, at least five days before said meeting.

Renewal of notice.

Sec. 3. In case the inhabitants of a district fail to organize the same, or if any district after formation shall be dissolved for any cause, such notice shall be renewed in the manner prescribed in the preceding section.

Forfeiture for neglect or refusal to serve notice.

Sec. 4. Whenever such inhabitant shall neglect or refuse to serve the notice as required, he shall forfeit to the district, for the use of its library, the sum of twenty-five dollars, to be recovered in an action of debt by the district board, when said district shall be organized, before any court of competent jurisdiction.

Qualification of voters.

Sec. 5. Every white male inhabitant of the age of twenty-one years, residing in such district, liable to pay a school tax, shall be entitled to vote at any district meeting.

Manner of choosing officers.

Sec. 6. The qualified voters, when assembled pursuant to such previous notice, and also at each annual meeting, shall choose a moderator, director and assessor.

Special meetings, how called.

Sec. 7. Special meetings of the district may be called by its officers, or by any one of them, on the written request of five legal voters of the district, by giving the required previous no-

tice ; but in all such cases, the object of the meeting shall be clearly stated in said notice.

Sec. 8. Whenever lawfully assembled, the qualified voters of each district shall have power, Powers and privileges of voters.

1. To adjourn from time to time, as may be necessary.

2. To designate a site for a school-house, and to change the same by a vote of two-thirds at any regular meeting.

3. To purchase or lease an appropriate site, and to build, hire or purchase a school-house, and to impose such tax on the inhabitants as shall be sufficient for the payment thereof: *Provided*, That the amount of such tax shall not exceed in any one year the sum of five hundred dollars.

4. To impose from time to time such tax as may be required to keep the school-house in repair, and provide for the necessary appendages and fuel for the same.

5. To impose a tax sufficient for the purchase of a suitable library case ; also, a sum not exceeding ten dollars annually for the purchase of books, to be selected by a vote of the district, or by the district board when so directed.

6. To designate the place where the library shall be kept, and the person by whom it shall be kept ; and the superintendent of public instruction shall establish the necessary rules for the regulation of the library.

7. To determine at each annual meeting the length of time, which shall not be less than three months, the school shall be kept ; and to fix the amount of money, in addition to its apportionment, which may be raised for the support of its schools the ensuing year ; the sum so voted, not to exceed in any one year ninety dollars.

Sec. 9. All notices for district meetings, except such as are provided for in the first three sections of this act, whether annual or special, shall set forth the day and hour and place of meeting, and be given at least six days previous to such meeting, by being posted up in three of the most public places in the district. Time of notification.

Sec. 10. The annual meeting of each school district shall be on the first Monday of October. Annual meeting.

Sec. 11. Each school district organized under this act, shall be a body corporate, by the name and style of "School district, number , of the township of , in the county of and state of Michigan ; and in that name capable of Body corporate.

suing and being sued, and of holding such real and personal estate, as is authorized to be purchased by the provisions of this act.

ARTICLE II.

District officers, their powers and duties.

Tenure of office.

Sec. 12. The moderator, director and assessor, shall hold their respective offices until the annual meeting next following their appointment, and until others are chosen.

Neglect or refusal to serve.

Sec. 13. Every person elected to any one of the above offices, who without sufficient cause shall neglect or refuse to serve, shall forfeit to the district for the use of the library the sum of ten dollars, to be recovered by an action of debt, at the suit of the district board, before any court of competent jurisdiction.

Powers and duties of moderator.

Sec. 14. The moderator shall have power, and it shall be his duty, to preside at all meetings of the district, to sign all warrants for the collection of taxes, and all orders for the payment of moneys to be disbursed by the district, and countersign all warrants of the director upon the township board of inspectors, for the moneys apportioned to the district by said board of school inspectors.

Powers and duties of assessors.

Sec. 15. The assessor shall have power, and it shall be his duty,

1. To obtain within thirty days of his election a transcript of so much of the last assessment roll of the township or townships as relates to his district, and shall add to such transcript all the property of persons who may have become residents since the last assessment roll was made, and all the property purchased by non-residents since the making of said roll; said property to be rated according to the rule of valuation adopted in making out the township assessment roll: *Provided*, That no property shall be twice assessed, and said transcript, together with such additions as shall be made as aforesaid, shall be the assessment roll of said district: And all taxes to be raised in such district, shall be levied upon the taxable property thereof, in proportion to such valuation.

2. To post up, whenever any tax shall have been assessed upon the inhabitants or property of his district, in the most frequented and central place, a list of persons so taxed, with the amount set opposite their respective names, at least thirty days previous to the same being offered for collection.

3. To call a meeting of the district board, in case any person shall complain to him during the above named period, of being

ground of said complaint, and revise, alter or confirm said assessment, as in their adjudgment justice shall require: And at the end of the time specified, he shall certify the same upon the tax list, and present it to the moderator for his warrant.

4. It shall be the duty of the assessor to collect all taxes assessed upon the inhabitants and taxable property of his district, and pay them over on the warrant of the moderator; and in case any person shall neglect or refuse to pay such tax when called upon, it shall be the duty of the assessor, to collect the same by distress and sale of the goods and chattels of such persons, where-soever found in said district, having first published such sale for at least ten days, by posting up notices thereof in three of the most public places in the district: And in the collection of taxes upon lands and tenements, said assessor shall make returns to the treasurer of the county in the same manner as township collectors; and it shall be the duty of the treasurer to sell the lands and tenements for the collection of said school tax in the same manner as is required for the collection of township and county taxes.

Sec. 16. The director shall have power, and it shall be his duty, Powers and duties of director.

1. To record all the proceedings of the district in a book to be kept for that purpose, and preserve copies of all reports made to the board of school inspectors.

2. To employ, by and with the advice and consent of the moderator and assessor, or either of them, qualified teachers, see them examined and paid by a draft upon the township board of inspectors, said draft not to exceed the amount due said district on account of the apportionment of the board of school inspectors.

3. Whenever the apportionments shall not be sufficient to pay for the services of any such teachers, it shall be the duty of the director to call a meeting of the district board for the purpose of levying the balance upon the taxable property of the district, the amount so levied not to exceed the sum voted by the district at its annual meeting.

4. Within ten days of the time of his appointment, the director shall take the census of his district, by registering the names of all belonging to it, between the ages of five and seventeen years inclusive.

5. A copy of this list he shall furnish to each and every teacher employed within the district, and require every such teacher care-taxed beyond his due proportion, which shall examine into the

fully to note the time of the attendance of each and every scholar, and to make a return of the same to the director.

6. It shall be the duty of the director to provide the necessary appendages for the school-house, and keep the same in good condition and repair, during the time of school, and an accurate account of all expenses incurred.

7. He shall present said account to the district board, to be assessed and collected in the manner hereinbefore prescribed.

8. At the end of the year, the school director shall report to the township board of inspectors the number of scholars in his district; the number who have attended school; the amount of money received from the township board of inspectors; the amount raised within the district, and for what purposes, and the books used in said school; said report to be forwarded to the office of the township clerk, on or before the day of the annual meeting of said district.

District
board, how
constituted,
their powers
and duties.

Sec. 17. The moderator, director and assessor shall constitute the district board, and they shall have power, and it shall be their duty,

1. To levy and assess upon the taxable property all moneys voted by the district, and the sums requisite for the necessary appendages and fuel for the school-house, during the continuance of any school.

2. To purchase or lease a site, as designated by the district for the school-house, in the corporate name thereof; and to build, hire or purchase such school-house out of the funds collected for that purpose.

3. To divide the public moneys received by the district for the year into not more than two parts; and to assign and apply one of such portions to each term a school may be kept, in payment of the teacher or teachers for services for the same.

4. To require of the assessor a bond, to be given to the district, in double the amount of taxes to be collected in the district, with two sufficient sureties, to be approved by the moderator and director, conditioned for the faithful appropriation of all moneys that may come into his hands by virtue of his office; said bond to be lodged in the hands of the moderator; and in case of a non-fulfilment of the condition thereof, the moderator and director, or either of them, may cause a suit for the penalty of said bond to

be commenced in the name of the district before any court of competent jurisdiction.

Sec. 18. The district board shall have power to fill by ap-^{Power to fill vacancies.}pointment any vacancy that shall occur by death, removal or disability to act; and it shall be the duty of the board to supply such vacancy within ten days after the time of its occurrence.

Sec. 19. Each member of the district board shall receive such^{Compensation of board.} compensation for his or their services as shall be voted in district meeting.

ARTICLE III.

District libraries.

Sec. 20. Each and every district that shall comply with the fifth provision of the eighth section of this act, shall be entitled to its proportion of the clear proceeds of all fines collected within the county for any breach of the penal laws; and also its proportion of the equivalent for exemption from military duty, according to the number of children between the ages of five and seventeen years inclusive.^{Districts entitled to civil and military fines.}

ARTICLE IV.

Township board of school inspectors, their powers and duties.

Sec. 21. There shall be chosen at each annual township meeting, three school inspectors, in the same manner as other township officers are chosen.^{School inspectors to be chosen.}

Sec. 22. Said inspectors shall have power, and it shall be their^{Their powers and duties.} duty,

1. To meet within ten days of their election, at the office of the township clerk, who shall be ex-officio clerk of the board, and organize by choosing one of their number chairman, who shall preside at their meetings.

2. To divide the township into such a number of districts, and to regulate and alter the boundaries of said school districts, as may from time to time be necessary.

3. To describe and number the school districts of their township.

4. To apply for and receive from the county treasurer, all moneys appropriated for the primary schools, in their townships, and from the collector of the township all moneys raised therein for the same purpose, as soon as the same shall be due.

5. To apportion the school moneys received by them on or before the first of March of each year, among the several school districts, and parts of districts in their township, in proportion to the number of scholars in each, between the ages of five and seventeen years, as the same shall be shown by the last annual report of the director of each district : *Provided*, No money shall be apportioned to any district, from which a report shall not have been received, nor to any district in which a school shall not have been kept, at least three months during the year immediately preceding, by a qualified teacher.

Treasurer of
board of in-
spectors, his
bond.

Sec. 23. The chairman of the board of inspectors, shall be the treasurer of said board ; and it shall be the duty of the inspectors to require of said chairman a bond, to be given to the township, in double the amount to be received by him, in two sufficient sureties, to be approved by the supervisor or township clerk, conditioned for the faithful appropriation of all moneys that may come into his hands by virtue of his office ; said bond to be lodged with the township clerk, who is hereby authorized, in case of the non-fulfilment of the condition of said bond, to sue for the penalty thereof, before any court of competent jurisdiction.

Time of mak-
ing and
transmitting
report.

Sec. 24. On or before the fifteenth day of October of each year, they shall make out and transmit to the county clerk a report setting forth,

1. The whole number of districts in their township.
2. The number of districts from which reports have been made, within the year.
3. The length of time a school has been kept by a qualified teacher.
4. The amount of public money paid to each.
5. The number of children taught in each, and the number belonging to each district, between the ages of five and seventeen years.

6. The amount of moneys received from the school fund. and also the amount raised in the township, for the support of primary schools, and the manner in which the same has been appropriated.

Forfeiture
for neglect or
refusal to re-
port.

Sec. 25. If the board of school inspectors shall neglect or refuse to make such report by the time set forth in the preceding section, they shall forfeit to the use of the schools of their townships, the sum of fifty dollars, and the full amount of the money lost by their failure, with interest on the same, to be recovered in an ac-

tion of debt by the township collector before any court having competent jurisdiction of the same

Sec. 26. Whenever it may be necessary or convenient to form a district from two or more adjoining townships, the inspectors or a majority of them, from each of such adjoining townships may form a district, regulate and alter the same : And the director of such district so formed, shall make returns to each township from which said district is formed, specifying in said returns that only which belongs to said township.

When necessary, districts to be formed by inspectors

Director to make returns

Sec. 27. It shall be the duty of the inspectors to examine annually all persons offering themselves as candidates for teaching primary schools in the township, in regard to moral character, learning and ability to teach school ; and if satisfied that such candidates possess the requisite qualifications, they shall deliver to the person so examined a certificate, signed by them in such form as shall be prescribed by the superintendent of public instruction, which certificate shall be in full force only one year from the date thereof.

Teachers to be examined and certificates issued.

Sec. 28. Whenever the inspectors shall deem it necessary, they may re-examine any teacher of any primary school in their township, and if found wanting in the requisite qualifications, they may annul any certificate given to such teacher, by giving to such person ten days' written notice to that effect, and filing the same in the office of the clerk of their township.

Re-examination and annulment of certificate.

Sec. 29. It shall be the duty of the inspectors to visit all such schools in their township, at least twice in each year, as shall be organized according to law, to enquire into their condition, examine the scholars, and give such advice to both teachers and scholars as they shall deem proper.

Inspectors to visit schools.

Sec. 30. In case of the death, or removal, or disability to act of any one of the inspectors the board shall fill such vacancy by appointment.

Power to fill vacancies.

Sec. 31. Whenever any district board shall fail to supply any vacancy within the time limited in section eighteen, the board of inspectors shall fill the same by appointment.

Failure of district board, vacancy how supplied.

Sec. 32. The inspectors shall be entitled to receive for their services the sum of one dollar per day, to be audited and paid as the accounts of other township officers are audited and paid.

Compensation of inspectors.

Sec. 33. Any person elected or appointed school inspector, who shall neglect or refuse, without sufficient cause, to serve as such,

Penalty for neglect or refusal to serve.

LAWS OF MICHIGAN.

shall forfeit to the use of the school fund of his township, the sum of twenty-five dollars, to be recovered as prescribed in the twenty third section of this act.

ARTICLE V.

Of certain duties of the township clerk.

Duties of
township
clerk.

Sec. 34. The township clerk shall be ex-officio clerk of the board of school inspectors, and shall have power, and it shall be his duty,

1. To attend all meetings of the inspectors, and to prepare under their direction all their reports, estimates and apportionments of school moneys, and to record the same and all their proceedings in a book to be kept for that purpose.

2. To receive and keep all reports made to the inspectors from the directors of the school district, and all the books and papers belonging to the inspectors, and file the same in his office.

3. To receive all such communications as may be directed to him from the superintendent of public instruction, and dispose of the same in the manner directed therein.

4. To transmit to the clerk of the county, all such reports as may be made for such clerk, by the inspectors; and generally to do and execute all such things as belong to his office and may be required of him by the inspectors.

ARTICLE VI.

Of certain duties of the county clerk.

County clerk
to make re-
port.

Sec. 35. It shall be the duty of the clerk of each county, on or before the first of November of every year, to make and transmit to the superintendent of public instruction, a report in writing, containing the whole number of townships in his county, distinguishing townships from which the required reports have been made to him by the inspectors of schools, and containing a certified copy of all their reports; and the board of supervisors of each county are hereby authorized, to allow to the clerk of their counties such compensation as they may deem proper for the services he may perform under and by virtue of the provisions of this act.

Penalty for
neglect or re-
fusal.

Sec. 36. Any clerk who shall neglect or refuse to make such report, by the time so limited, shall, for each offence, forfeit the sum of one hundred dollars to the use of the schools of said county, to be recovered in an action of debt, to be commenced forthwith,

by and in the name of the superintendent of public instruction; and the money so recovered shall, when received by the superintendent, be paid into the treasury of the county to the credit, and for the use of the district or districts which may suffer from such neglect of the clerk, and the sum may be drawn out by the proper authority of said district or districts.

ARTICLE VII.

Distribution of the income of the school funds.

Sec. 37. The moneys to be hereafter distributed annually for the support of primary schools, shall be payable on the first Monday of September in each year, on the warrant of the auditor general, to the treasurer of the several counties. School fund when and how distributed.

Sec. 38. The treasurers of the counties shall apply for and receive such moneys as are apportioned to their respective counties, when the same shall become due. County treasurer to receive the money.

Sec. 39. The treasurer of each county, when he shall receive such moneys, shall give notice in writing to the chairman or clerk of the board of school inspectors of each township in his county, of the amount apportioned to such township, and shall hold the same subject to the order of the inspectors. Notice of apportionment.

Sec. 40. In case any moneys apportioned to any township shall not be applied for by such inspectors, the moneys so remaining shall be added to the moneys next received by the treasurer for distribution from the superintendent of public instruction, and in the same proportion distributed. Moneys not applied for, how disposed of.

Sec. 41. Whenever the clerk of any county shall receive from the superintendent notice of the apportionment of moneys for his county, he shall file the same in his office, and within one week transmit a certified copy thereof to the county treasurer, and to the clerk of the board of supervisors; and said clerk shall lay such copy before the supervisors at their next meeting. Notice of apportionment to be filed and copies transmitted.

Sec. 42. It shall be the duty of the supervisors, at such meeting, to add to the sums of money to be raised in each of the townships of the county, a sum equal to that which shall have been apportioned to such township, to be levied and collected in the same manner as other moneys are directed to be raised in the township. Supervisors to raise by tax sum equal to apportionment.

Sec. 43. The supervisors shall cause and require the collector of each township, by their warrant, to pay such moneys when collected, to the chairman of the board of school inspectors in such township, for the use of schools therein. Moneys how disposed of.

In what case
to be paid to
county treas-
urer.

Sec. 44. Should any township neglect or refuse to elect a board of school inspectors, the collector shall pay the moneys so collected to the county treasurer, to be apportioned among the several townships, as provided in the fortieth section of this act.

ARTICLE VIII.

Officers required to transmit to their successors in office.

Penalty for
refusal to
transmit to
successors.

Sec. 45. Each and every officer created by the provisions of this act, who shall receive, by virtue of his office, any books, papers or moneys, and shall refuse to deliver the same to his successor in office, or shall wilfully mutilate or destroy the same, or any part thereof, shall be deemed guilty of a misdemeanor, and liable to a fine not less than fifty dollars, nor more than five hundred, at the discretion of the court.

Sec. 46. This act shall take effect on and after the first of April next.

Approved March 20, 1837.

[No. LXIV.]

AN ACT amendatory and in addition to an act to extend the time for the collection and payment of certain taxes therein named.

Applicable
to future as-
essments.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the provisions of the act to which this is amendatory and in addition, and of the act of the 21st March, 1836, therein recited, shall be, and the same are hereby, made applicable to all future assessments and collections of taxes to defray the public and necessary charges for state, county and township purposes: *Provided, however,* That the time for the collection and payment of said taxes, shall not be extended as directed by the first section of the first recited act.

Proviso.

Collectors to
give bonds.

Sec. 2. The several collectors of each of the townships in the several counties, hereafter elected, shall give bond with good and sufficient security to the treasurer of the proper county, to be approved by the supervisors of the respective townships, conditioned for the faithful execution of the duties of his office, according to the direction of such treasurer, on or before the fifteenth day of November in each and every year, and before entering on the duties of his office.

Sec. 3. The second section of the act to which this is amendatory and in addition, shall be, and the same is hereby, inoperative, so far as regards the powers and duties of township officers elected to office from and after the first Monday of April next.

Section 2 of original act, when in operation.

Sec. 4. The fourth section of the act to which this is amendatory and in addition, shall be so amended that it is made the duty of the township clerks of each and every township in the several counties of this state, to furnish certified copies of the tax roll of such township, one copy to the treasurer of the county, and another copy to the clerk of the board of supervisors; and the supervisors of the county shall allow them severally a reasonable compensation for such services.

Township clerk to furnish copies tax roll.

Sec. 5. The sheriff and county clerk, elected in each of the several counties of this state, shall give a bond to the auditor general, in addition to the bond required to be given by such sheriff or county clerk as now directed by law, in a sum not less than four thousand, and not exceeding ten thousand dollars, as the auditor general may direct, with two or more good and sufficient sureties, such as the auditor general may approve of, and to the satisfaction of the district or prosecuting attorney of said county, before whom the said bonds shall be taken in duplicate, one copy of which the district or prosecuting attorney shall file in his office, and the other copy he shall transmit to the auditor general; which bond shall be conditioned for the faithful execution of the duties of such sheriff and county clerk in office, and to account for, and pay over according to law, all public moneys which may come into the hands of such sheriff or county clerk for the use of this state, or for the use of any of the counties therein; and the said sheriff or county clerk will deliver to his successor in office, all books, records, papers, documents, and other things which such sheriff or county clerk may have or hold in right thereof, and pay the balance of all moneys that may be found due to the state or to any of the counties therein, in the hands of such sheriff or county clerk; and it shall be the duty of every such sheriff and county clerk to give a bond as in this section directed, within sixty days from and after the passage of this act: *Provided*, That the sheriff and county clerk of the counties of Mackinac and Chippewa shall respectively be permitted and required to give bond as aforesaid within ninety days from and after the

Amount of bond to be given auditor general by sheriff and county clerk.

Books delivered and moneys paid to successor.

Bond to be given within sixty days.

Proviso.

passage of this act, and every sheriff and county clerk, who shall fail or neglect to comply with the requirements herein made, or who shall fail or neglect to make his returns, and to pay all public moneys in the hands of such sheriff or county clerk as directed by law, shall be deemed to have vacated his office, in which case it is made the duty of the auditor general to publish such fact in the state paper, and in all the papers authorized to publish the laws, which shall be an official communication addressed to the district or prosecuting attorney of such county, that the electors of said county may elect a citizen of the county where the vacancy shall so happen, to fill the same according to law.

Associate
judge to act
as district at-
torney.

Sec. 6. In case of the sickness or absence of the district attorney of any county, it is made the duty of one or both of the associate circuit judges of said county to perform the duties required of the district or prosecuting attorney in the preceding section.

Improve-
ments ex-
empt, and
rate of assess-
ment.

Sec. 7. In all assessments for taxation of land actually used and occupied for farming purposes; all improvements of less value than five hundred dollars, and buildings erected thereon under the value of two hundred and fifty dollars, shall be exempt from the assessment list and from taxation. No lands shall be assessed at a less sum than three dollars per acre.

Auditor ge-
neral to
transmit co-
pies of act
with form of
bond, &c. to
different offi-
cers.

Sec. 8. It is made the duty of the auditor general to transmit a sufficient number of copies of this act, and of the act to which this is amendatory and in addition, with the form of the bond required to be given by the county treasurer and township collectors, to the several county treasurers and clerks of the several counties, with directions to every such county treasurer and county clerk, immediately on receipt of said copies, to send one or more to each of the supervisors and township clerks in said county; and at the same time to transmit to the district or prosecuting attorney of the respective counties a sufficient number of the like copies, with the form of the bond required to be given by sheriffs and county clerks according to the direction of this act.

Approved March 20, 1837.

[No. LXVI.]

AN ACT authorizing the supervisors of any organized county in the state to loan money for the purpose of erecting county buildings, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the board of supervisors of any organized county, or which shall hereafter be organized, be, and they are hereby, authorized to borrow, on the credit of the county, a sum of money not exceeding fifteen thousand dollars, and at an interest not exceeding seven per cent, per annum, for a term of not less than five, nor more than fifteen years : *Provided,* That no money shall be so borrowed by the board of supervisors of any county, unless they shall be first authorized by a majority of the qualified electors of said county, by a vote taken at some annual meeting ; but no vote shall be taken unless thirty days' notice be given for that purpose by the board of supervisors, by posting up notice in three public places in each township in said county.

Sec. 2. Whenever any board of supervisors shall have negotiated for and shall have obtained any sum of money for the purpose before specified, the same shall be paid into the treasury of the county, to be drawn therefrom by the said board for the purpose of erecting county buildings, in the same manner and under the same restrictions as is provided for in the case of other moneys in the treasury, by the laws now in force.

Sec. 3. Said board of supervisors may and they are hereby authorized to appoint one or more superintendents to superintend the construction and erection of said county buildings, and may fix the compensation for the services of such superintendent as they shall deem proper, and shall have power to contract for the erection of the same.

Sec. 4. The said board of supervisors shall also have power to borrow such sums of money as may be voted by the inhabitants of the several counties, for the purpose of building bridges and repairing roads.

Sec. 5. The said board of supervisors are hereby authorized, and it is made their duty, to provide for the payment of such money, whether of principal or interest, that may accrue under the

aforesaid loans, in the same manner as is provided for in case of other contingent expenses of said counties.

Approved March 20, 1837.

[No. LXVII.]

AN ACT to provide for the construction of certain works of internal improvement, and for other purposes.

Survey of
three routes.

Central rail-
road.

Southern
railroad.

Northern
railroad.

Manner of lo-
cating and es-
tablishing
route.

Proviso.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the board of commissioners of internal improvements in this state, be, and they are hereby, authorized and directed, as soon as may be, to cause surveys to be made for three several railroad routes across the peninsula of Michigan; the first of said routes to commence at Detroit, in the county of Wayne, and to terminate at the mouth of the St. Joseph river, in the county of Berrien, to be denominated the central railroad. The second of said routes to commence at the navigable waters of the river Raisin, passing through the village of Monroe, in the county of Monroe, to terminate at New Buffalo, in Berrien county, and to be denominated the southern railroad. The third of said routes to commence at Palmer, or at or near the mouth of Black river, in the county of St. Clair, and to terminate at the navigable waters of the Grand river, in the county of Kent, or on Lake Michigan, in the county of Ottawa, to be denominated the northern railroad; which roads shall be located on the most direct and eligible routes between the termini above mentioned.

Sec. 2. As soon as the survey of either of the said routes shall be completed, the said board of commissioners shall, at a meeting duly notified and held for that purpose, in one of the counties through which the route to be determined upon shall pass, give all persons who may appear before them an opportunity to be heard relative to the location of the route in question, and the several points through which the same shall pass; and after such hearing, the said commissioners shall proceed to locate and establish the same, and shall file in the office of the secretary of state accurate plans of said surveys and localities; and the said routes shall be deemed established, according to such survey, and the plans so filed as aforesaid: *Provided always,* That the said board

of commissioners shall, so soon as may be, purchase out, adopt and establish so much of the route of the Detroit and St. Joseph railroad company, as may have been surveyed and established by said company, if the same can be purchased on the terms recited in the third section of this act.

Sec. 3. If the said board of commissioners shall, in the location of either of the routes in the first section of this act mentioned deem it expedient to locate the same on the surveyed route of any railroad company duly incorporated, or so near the same as in the opinion of the board to materially injure or render the rights of said company of no value, the said board of commissioners shall be, and they are hereby, authorized to contract for and purchase in behalf of the people of this state, all and singular the chartered rights, privileges and franchises of such company, in the portion of the route so taken and used, and all the real and personal estate acquired by such company in furtherance of the object expressed and declared in the act of incorporation, so far as the same are obtained for or situate upon the portion of the route so taken by said board; and whenever the said board of commissioners shall make any purchase as aforesaid, they shall, at a meeting regularly called, receive and proceed to examine the exhibits of the affairs of such company proposing to sell as above mentioned, which exhibits shall show, in detailed accounts, the amount paid for labor on the proportion of the route in question, the amount and description of real and personal estate, the amount paid for surveys and other incidental charges, the sum paid for damages to lands through which said route passes, with a statement of all outstanding contracts for work, labor and materials, with the amounts due or to become due thereon, which statement and exhibits shall be verified by the oath or affirmation of the president and directors of such company, or a majority of them; and said board of commissioners are hereby authorized, upon such examination of such statements and exhibits, and upon view of the premises and property therein specified, to adjust and fix upon the amount, including interest upon all advances to be paid to such incorporated company for the same: And upon receiving for and in behalf of the people of the state, proper deed or deeds of conveyance of all lands, tenements and hereditaments, and all rights, privileges and interests as aforesaid, together with the personal property above mentioned, and upon due assignments of all

Purchase Detroit and St. Joseph railroad, in behalf of state.

Commissioners to purchase other routes in certain cases, &c.

contracts, covenants, bonds and agreements of whatever kind, for work, labor and materials to be furnished for the route so taken, the auditor of said board of commissioners shall draw his warrant on the treasurer of the state for the amount so found by said board, as above specified; and the said commissioners are hereby authorized to assume for and in behalf of the people of this state the performance of the condition of said contracts, covenants, bonds and agreements, so far as the same remain unperformed on the part of said company, at the time of the assignment; and all the rights, privileges, franchises and immunities of the said company, in such portion of their route as shall be so taken shall cease, and all the estate, real and personal, theretofore belonging to such corporation, and so purchased, shall become vested in the people of this state forever.

Appropriations for three railroad routes.

Sec. 4. That the sum of five hundred and fifty thousand dollars be, and the same is hereby, appropriated, to be taken from any moneys which shall hereafter come into the treasury of this state, to the credit of the fund for internal improvement, for the survey and making of the three railroads mentioned in the first section of this act, as follows: for the southern railroad, the sum of one hundred thousand dollars; for the central railroad, the sum of four hundred thousand dollars; and for the northern railroad, the sum of fifty thousand dollars.

Appropriations for survey, canal routes, &c.

Sec. 5. That the sum of twenty thousand dollars be and the same is hereby appropriated out of any moneys which shall come into the treasury to the credit of the internal improvement fund, for the following surveys, to be made under the direction of said board of commissioners: for the survey of a canal, or for a canal part of the way, and railroad the balance of the route, commencing at or near Mount Clemens, on the Clinton river, to terminate at or near the mouth of Kalamazoo river; and for the survey of a canal route to unite the waters of the Saginaw river with the navigable waters of the Maple or Grand rivers, and for the purchase of surveyors' and other instruments; and for the survey of the St. Joseph, Kalamazoo and Grand rivers, with a view to the improvement of the same by slack water navigation.

Canal and railroad.

Sec. 6. That the sum of forty thousand dollars be, and the same is hereby, appropriated out of any moneys which shall come into the treasury to the credit of the said internal improvement fund, to be applied to the construction of a canal, or canal

and railroad, on the route first mentioned, in the preceding section, if the said board of commissioners shall decide that it is practicable to construct a canal and railroad on said route.

Sec. 7. That the sum of fifteen thousand dollars be, and the same is hereby, appropriated out of any moneys which shall come into the treasury to the credit of said internal improvement fund, to be applied to the construction of a canal to unite the waters of the Saginaw with the navigable waters of the Grand or Maple rivers, if said board of commissioners shall decide that it is practicable to construct a canal on said route.

Saginaw and
Grand river
canal.

Sec. 8. The board of commissioners of internal improvement be, and they are hereby, authorized and directed to contract for and purchase, in behalf of the people of this state, all and singular the chartered rights, privileges and franchises, of the Havre branch railroad company; and the sum of twenty thousand dollars be, and the same is hereby, appropriated out of any money in the treasury, to the credit of the internal improvement fund, for that purpose, and towards the construction thereof: *Provided*, The same can be purchased on the terms specified in the third section of this act.

Purchase of
Havre
branch rail-
road.

Provide.

Approved March 20, 1837.

[No. XLVIII.]

AN ACT to incorporate the village of Pontiac.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that tract of country situated in the township of Pontiac and county of Oakland, and known as section twenty-nine, the north half of section thirty-two, the west half of section twenty-eight, and the north-west quarter of section thirty-three, be, and the same is hereby, constituted a town corporate, by the name of the village of Pontiac.

Village limits.

Sec. 2. The white male inhabitants of said village, having the qualifications of electors under the constitution of the state, shall meet at the court-house in said village, on the first Monday of May next, and on the first Monday of May annually thereafter; at such place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes, to elect by ballot seven trustees, who shall hold their offices for one year,

Election of
officers.

and until their successors are elected and qualified ; and any four of said trustees shall constitute a board for the transaction of business, and a less number may adjourn from time to time : but if an election of trustees shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved ; and it shall be lawful to hold such election at any time thereafter, public notice being given of such election as hereinafter provided.

Proviso.

First election.

Mode of elections.

Notice.

Oath of office.

Presiding officer.

Sec. 3. At the first election to be holden in said village under this act, there shall be chosen, *viva voce*, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election ; and at all subsequent elections, the trustees or any two of them shall be judges, and the clerk of the village shall be a clerk of the election ; at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and closed at three o'clock in the afternoon ; and at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the electors present by one of the judges ; and the clerk shall make a true record thereof, and within five days after such election, he shall give notice to the persons elected, who shall enter upon the duties of their office on the first Monday thereafter ; and it shall be the duty of the village clerk to give at least five days' previous notice of each and every election, by posting up written or printed notices thereof, in five or more public places in said village, or by publication thereof in some public newspaper.

Sec. 4. Each one of the trustees, before he enters upon the duties of his office, and in the presence of the board of trustees, shall take an oath or affirmation, which oath or affirmation may be administered by any trustee present, to support the constitution of the United States and the constitution of this state ; and that he will faithfully and impartially discharge the duties of the office of trustee of said village, according to the best of his abilities ; and it shall be the duty of the first board of trustees, and of every subsequent board, at their first meeting, to elect by ballot one of their number president of said village, whose duty it shall be to preside at all meetings of the board of trustees ; but in case of his absence any other trustee may be appointed by the

trustees present to preside at such meetings; and it shall likewise be their duty to appoint a village clerk to attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws of the village. Record.

Sec. 5. The president and trustees of said village shall be a body corporate and politic, under the name of "The President and Trustees of the village of Pontiac;" and may have a common seal which they may alter at pleasure, and may purchase and hold real and personal estate, for the use of said village, and at any time sell and convey the same; and may sue and be sued, defend and be defended, in any court; but when a suit shall be commenced against said corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village at least eight days before the return day thereof. Incorporation.

Sec. 6. The board of trustees shall have power to ordain and establish by-laws, rules and regulations, and the same to alter and repeal at pleasure, for the following purposes: For the annual election or appointment of a treasurer, three assessors, a marshal, and other officers for said village; to prescribe their duties, declare their qualifications, and the period of their appointment or election, and the fees any one of them shall be entitled to receive for his services; and to require of any or all of them an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices; and to require of any of them such security by bond, for the performance of their duties, as shall be thought expedient; which bond shall run to the treasurer of said corporation and his successors in office; and said treasurer, or his successor, shall have power to sue for all breaches of the same, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same; to prohibit the running at large of swine, horses, cattle, mules, geese and sheep, within the limits of said village; to regulate the building of partition and other fences; to purchase fire engines and other necessary apparatus for the extinguishment of fires; to cause each building occupied as a house or store to be provided with fire buckets; and to prescribe the manner in which stoves with their pipes in actual use shall be put up, and chimneys built Powers.

to guard against fires ; to remove nuisances ; to grade the streets and alleys, and pave them, and cause side walks to be made, and the expenses thereof to be assessed on the lots in front of which either or all of said improvements shall be made ; but no one of said improvements shall be made, unless the individuals owning more than one-half of the property to be assessed for the same improvement, shall petition the president and trustees for that purpose ; to keep the public highways and bridges within the incorporation limits in repair ; to cause the streets, alleys, side walks and public highways, and every part thereof, to be kept free from obstructions ; to lay out new streets and alleys, and to extend such as are already laid out : *Provided*, That the land of no individual shall be taken for such purpose, until said individual shall be paid the value thereof, and of all buildings upon said land, and all damages he will sustain, to be ascertained as hereinafter mentioned ; and to lay a poll tax on every white male inhabitant entitled to vote at any election for officers of said village, not exceeding one dollar and twenty-five cents in each year ; which property and poll tax together, shall not in any one year exceed one-half of one per centum on the whole amount of personal and real estate assessed, according to the assessment roll of said corporation for the same year ; and the property within said village, and the inhabitants thereof, except for property lying out of said village, shall be exempt from all road tax ; to lay taxes on all personal and real estate, within the limits of said village, excepting property belonging to the village, town, county or state ; excepting also places of public worship belonging to any church or congregation, and all school-houses and property belonging to the "Pontiac Literary Institution," or any other literary institution ; for the violation of any of which by-laws, rules and regulations, such reasonable fines and penalties may be imposed by the law itself, as the said board of trustees may deem proper ; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Pontiac ; and any interest the inhabitants of the village of Pontiac, as a body corporate, may have in the fine or penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as juror, or be a witness therein ; and the circuit court of the

Proviso.

Taxation.

Exceptions.

Penalty.

county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

Sec. 7. To ascertain the value of any property to be taken to open or continue a street, and the damage the owner will sustain by its being taken, the board of trustees shall appoint two commissioners, and the owner of the property to be taken may appoint two, and the four shall choose a fifth; and in case the owner neglects or refuses to choose two, any justice of the peace of the county may choose for him; which commissioners shall be disinterested, and inhabitants of said county, and freeholders therein; and who shall take an oath or affirmation, to be administered by the president of the village, well and truly, and without partiality or favor, to value the property to be taken and the damage to the owner as aforesaid; and to assess the same upon the property benefitted by the improvement, and to report such valuation and assessment to the board of trustees; which report, when confirmed by the circuit court of the county and entered upon the records thereof, shall be final and conclusive upon all parties interested; and any person interested in said report may object to its confirmation, by affidavit or otherwise, and the said court may refer the same back to the old commissioners, or new commissioners to be appointed by the court to make a new valuation and assessment, as often as the court may deem the same necessary to promote the ends of justice; property lying upon the street to be opened or continued only, shall be assessed for opening or continuing a street, and shall be assessed in proportion to the benefit derived; but no street shall be opened or continued, unless on the petition of individuals owning two-thirds of the property to be assessed.

Appraisal of property taken for corporate purposes.

Assessment.

Sec. 8. All taxes levied upon real estate, and all assessments made thereon for opening or continuing a street or alley, or grading or paving a street or alley, or making side walks, shall remain a lien upon said estate until paid.

Taxes and assessments lien on property.

Sec. 9. The president and trustees shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein; and if not printed therein, then to be posted upon the outward door of the building where the last annual election was held in said village, a true statement of the receipts and expenditures of the preceding year.

Annual account of receipts and expenditures.

Publication of ordinances Sec. 10. No by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county, or by written or printed notices posted upon three of the most public places in said village; and an affidavit of said publication, in the manner aforesaid, entered at large upon the records of said corporation by the clerk, or the record thereof, shall be deemed prima facie evidence of such publication.

Apportionment of taxes Sec. 11. It shall be the duty of the trustees, once in each and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, to estimate, apportion and set down in a column left for that purpose opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums in dollars and cents, to be paid as a tax or assessment thereon; and they shall cause the assessment roll, or a copy of it, to be delivered to the marshal of said village, with a warrant annexed to the same under the hands and seals of said trustees, or a majority of them, directed to, and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, set opposite to their respective names, as the tax or assessment; and authorizing him, in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattles, together with the costs and charges of such distress and sale; and directing him to pay such money when collected to the treasurer of said village, by a certain day to be therein named, not less than forty days from the date of said warrant.

Assessment roll.

Collection.

Mode of collection. Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the said marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same; and in case the goods and chattels distrained shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

Unpaid taxes how collected. Sec. 13. The tax upon real estate, with all assessments for the purposes named in the eighth section of this act, shall be put down in the said assessment roll, in a column by itself, and when-

ever any such tax or assessment, and the interest thereon, which shall be computed at the rate of fourteen per centum thereon per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction, at the court-house in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessment and interest, together with all charges thereon; first giving at least four months' notice of the time and place of such sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper printed in said village; an affidavit of said publication recorded in the manner prescribed in the tenth section of this act, or the record thereof, shall be deemed prima facie evidence of the fact of publication.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and if the person claiming title to the said land described in the said certificate, shall not within two years from the date thereof pay to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per centum per annum from the date of such certificate, the treasurer or his successor in office, shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the land so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, subject to all the claims the state shall have thereon; and the said conveyance shall be conclusive evidence that the sale was regular according to the provisions of this act; and every such conveyance executed by the said treasurer under his hand and seal, and acknowledged, witnessed and recorded, in the usual form, may be given in evidence in the same manner and with like effect, as a deed regu-
Sale for tax-
es.
Certificate of
purchase.
Redemption.
Deed.

larly executed and acknowledged by the owner and duly recorded, may be given in evidence.

Fees.

Expense of
advertising
added to tax-
es.

Sec. 15. The treasurer of said village shall receive the same fees, in cases of sale as aforesaid, as are allowed by law to the county treasurer for like services, and the expenses in advertising any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes respectively as are charged upon lands and unpaid in proportion to the amount of each person's tax so charged and unpaid,

Corporation
allowed use
of county
jail.

Sec. 16. The said corporation shall be allowed the use of the common jail of the county of Oakland, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases.

Construction.

Sec. 17. This act shall be favorably construed and received in all courts as a public act; and copies thereof printed under the authority of the legislature, shall be received as evidence without further proof.

Power to alter, &c.

Sec. 18. The legislature may alter, amend or repeal this act.

Eligibility to office.

Sec. 19. No person shall be eligible to any office in this corporation, unless he shall have resided in the said corporation one year next preceding his election.

Approved March 20, 1837.

[No. LXIX.]

AN ACT to organize certain townships, and for other purposes.

Organization
of Water-
town town-
ship, Clinton
county.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the townships in ranges three and four west in the county of Clinton, be a township by the name of Watertown, and the people therein shall be entitled to all the privileges incident to inhabitants of organized townships, and the first township meeting therein shall be held at the house of Anthony Niles, in said township of Watertown.

Lenox town-
ship, Macomb
county.

Sec. 2. All that part of the county of Macomb, designated in the United States survey as township four north, of range fourteen east, be, and the same is hereby, set off and organized into a separate township, by the name of Lenox; and the first town-

ship meeting therein shall be held at the house of Sterling Case, in said township.

Sec. 3. All that part of the county of Livingston, designated by the United States survey as township four north, of range five and six east, be, and the same is hereby, set off and organized into a separate township, by the name of Deerfield; and the first township meeting therein shall be held at the house of Benjamin Bennet, in said township.

Deerfield
township,
Livingston
county.

Sec. 4. All that portion of the county of Berrien designated by the United States survey as townships seven and eight south, of range nineteen west, be, and the same is hereby, set off and organized into a separate township, by the name of Weesaw; and the first township meeting therein shall be held at such place in said township as the sheriff of the county of Berrien shall designate and appoint.

Weesaw
township,
Berrien
county.

Sec. 5. All that part of the county of Cass, designated by the United States survey as township five south, of range sixteen west, be set off and organized into a separate township, by the name of Silver Creek; and the first township meeting therein shall be held at the house of James McDaniel, in said township.

Silver Creek
township,
Cass county.

Sec. 6. All that portion of the county of Hillsdale, designated by the United States' survey as township five south, of range one west, be, and the same is hereby, set off and organized into a separate township, by the name of Somerset; and the first township meeting therein shall be held at the house of Thomas Gamble, in said township.

Somerset
township,
Hillsdale
county.

Sec. 7. That all that part of the county of Lenawee lying in range one east, and south of the township line between the townships eight and nine south, be, and the same is hereby, attached to and shall form a part of the township of Medina, in said county, any law to the contrary notwithstanding.

Medina
township,
Lenawee
county.

Sec. 8. All that portion of the county of Monroe lying south of the township of Erie and Bedford, be, and the same is hereby, attached to and made a part of the said townships of Erie and Bedford, respectively, according with the lines of said townships, any law to the contrary notwithstanding.

Portion of
Monroe
county at-
tached to Erie
and Bedford
townships.

Sec. 9. This act shall take effect from and after the first day of April next.

Act take ef-
fect.

Approved March 20, 1837.

[No. LXX.]

AN ACT to locate the University of Michigan.

Location. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the university of the state of Michigan shall be located in or near the village of Ann Arbor, in the county of Washtenaw, upon such site or lot of ground as shall be selected by the regents of the university and conveyed to them by the proprietors of such site or lot of ground, on which the same shall be located, free from cost, for the use of the state, and for that express purpose; which site or lot of ground shall

Extent of lot. not be less than forty acres, and in such form or shape as the said

Proviso. regents shall prefer: *Provided,* The university shall not be so located unless the proprietors shall make and deliver to the regents a good and sufficient deed for said site or lot of ground, as they may select for the location of said university.

Time and manner of selection. Sec. 2. It shall be the duty of said regents, or at least three of them, of which the president shall be one, within three months of the time of their appointment to visit said village of Ann Arbor, and make the aforesaid selection, and require of the proprietors of said site or lot of ground a good and sufficient deed of the same, as aforesaid, and cause the same to be recorded in the register's office of the said county of Washtenaw, and deposite the same in the office of the secretary of state.

Approved March 20, 1837.

[No. LXXI.]

AN ACT to provide for the renewal of sheriff's bonds.

Bond to be renewed and filed within five days. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the circuit courts of the several counties in this state be, and they are hereby, authorized at any term thereof, to order the sheriff of the county wherein said court is held to give new bonds for the faithful performance of all the duties of his office, and to fix the amount of the penalty in which the same shall be given; and it is hereby made the duty of the sheriff so ordered to renew his official bond, to file the same duly executed and approved in the manner provided by law, within five days after the entering of such order.

Approved March 20, 1837.

[No. LXXII.]

AN ACT to amend an act entitled "An Act concerning mortgages."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in all cases where lands shall be, or may have been sold, pursuant to and by virtue of the act to which this act is an amendment, on mortgage given for the purchase money of such land, the sheriff, under sheriff, or any of his deputies who may have sold such land, shall give to the purchaser or purchasers a good and sufficient deed for the same, within ten days after such sale, or upon request from the purchaser, except in cases specified in the proviso of the twentieth section of said act, any provision of the act to which this act is amendatory to the contrary notwithstanding.

Deed to be given within ten days.

Exception.

Approved March 20, 1837.

[No. LXXIV.]

AN ACT to discharge the demands for supporting the supremacy of the laws.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be, and is hereby, appropriated thirteen thousand six hundred and fifty-eight dollars and seventy-six cents; and that the treasurer be, and is hereby, directed to pay, on the warrant of the auditor general, the several persons named in the report of the commissioners appointed by the governor in compliance with an act of the legislature, approved March 28th, 1836; and also to the several persons named in the report of the committee on claims, reported the seventh day of March, 1837, such sums as are recommended by said committee to be paid to each individual therein named; that is to say: To Thomas Clark, for provisions furnished the troops, and not reported by the commissioners, one hundred and fifty-eight dollars and fifteen cents; to Mulhollen and Rowe, one hundred and nineteen dollars; to P. Bennett & Co., twenty-five dollars; to Chester Hunt, five dollars; P. Bennet & Co., six dollars; John Bradford, twenty dollars; Clark and Bennett, five dollars; E. A. Howes & Co., four dollars and fifty cents; E. A.

Appropriation, &c.

Howes & Co., one dollar and eighty-eight cents ; Leander Hill, ten dollars ; Levi Lewis, twenty dollars ; Lewis Darrah, ten dollars ; Gilbert Palmer, twenty five dollars ; H. Gilbert, two dollars ; Samuel A. Bartlett, eighteen dollars and sixty-six cents, and to Lemuel Colbath, eighteen dollars and sixty-six cents.

Sec. 2. That said treasurer be further directed to pay, on the warrant of the auditor general, out of any money in the treasury not otherwise appropriated, the sum of twenty dollars to Jacob Caman; thirty dollars to Conrad Ten Eyck; twenty dollars to Wells Waring, and seven dollars to Orsel Dudley; twelve dollars to John Welch; twelve dollars to Gardner Simmons; thirty-five dollars to H. N. Baldwin; sixteen dollars to A. G. Edwards; twelve dollars to Erastus Starkweather; twenty-five dollars to James Harrington; twenty-five dollars to William W. Markham; twenty-five dollars to Warren Stone; twenty-seven dollars fifty cents to J. D. Davis; six dollars sixty-six cents to Hial G. Powilson.

Approved March 21, 1837.

[No. LXXV.]

AN ACT authorizing the construction of a ship canal around the falls of St. Mary's.

Appoint-
ment
of engineer.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor of this state be, and he is hereby, authorized to appoint a competent engineer, whose duty it shall be to proceed to the falls of St. Mary's, in the county of Chippewa, and make such surveys and examinations as may be deemed necessary for the construction of a ship canal around the falls; and the said engineer shall make report thereupon as soon as may be, to the said governor, accompanied by maps, profiles, and the estimated expenses of the contemplated canal; and that the expenses of such survey be paid out of any moneys in the treasury devoted to internal improvements.

Survey, re-
port, &c.

Amount of
appropria-
tion.

Sec. 2. The sum of twenty-five thousand dollars be, and the same is hereby, appropriated out of any money that shall come into the treasury of this state for the purposes of internal improvements, to be applied towards the construction of the said ship canal, as is provided in the third section of this act.

Sec. 3. The report of such engineer shall be laid before the board of commissioners of internal improvement; and if the same shall be deemed by them favorable for said work, said board shall immediately cause measures to be taken to commence the work without any unreasonable delay.

Approved March 21, 1837.

[No. LXXVI.]

AN ACT to incorporate the Adrian and Coldwater turnpike road company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Addison J. Comstock, E. Conant Winter, Henry Wood, George Crane, Samuel Comstock, Rockwell Manning and Hiram Cowles be, and they are hereby, appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Adrian and Coldwater turnpike company hereby incorporated; and they shall cause books to be opened at the inn of E. C. Winter, in the village of Adrian, in the county of Lenawee, for the space of two successive days, at such time as a majority of them shall direct, for the purpose of receiving subscriptions to the capital stock of said company; first giving four weeks' notice of the time and place of taking such subscriptions, by posting up notice in the villages of Adrian, Rollen, Hillsdale, Coldwater and Jonesville; and the subscribers thereto, and their successors and assigns, for the period of twenty years after the passage of this act, be, and they are hereby, ordained, constituted and declared to be a body politic and corporate, under the name of the "Adrian and Coldwater turnpike company;" and by that name they and their successors for the period aforesaid, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal; and that they and their successors, by the name aforesaid, shall in law be capable of purchasing and holding any lands, tenements, hereditaments

Board of internal improvement to commence work.

Commissioners.

Books to be opened.

Notice.

Body corporate.

Proviso. and real and personal estate whatsoever : *Provided*, That it shall be necessary for the construction, preservation or repair of said road, or the erection of toll-gates and all toll-houses thereon.

Capital stock. Sec. 2. The capital stock of said company shall be fifty thousand dollars, to consist of and be divided into one thousand shares of fifty dollars each.

Directors. Sec. 3. That for conducting the business of said company, which shall be the construction of the said turnpike road from the village of Adrian, in Lenawee county, to the village of Coldwater, in the county of Branch, there shall be nine directors, one of whom they shall annually elect their president, who shall hold their office for one year, or until others shall be appointed in their stead ; that Addison J. Comstock, E. Conant Winter, George Crane, Harry Wood, Samuel Comstock, Rockwell Manning, Hiram Cowles, Hiram Alden and Lorenzo B. Crippin, be the first directors ; and that Addison J. Comstock be the president for the present year ; that the election of directors shall be held on the first Monday of January, at such time and place as the directors shall determine, a notice thereof being first given by publication in some newspaper printed in either of the counties of Lenawee, Hillsdale or Branch, at which meeting each stockholder may vote by person or proxy, each share being entitled to one vote : *Provided*, That this corporation shall not be deemed to be dissolved by reason that the annual election is not held at the time above mentioned.

President.

Election.

Proviso.

Location, construction, &c. Sec. 4. The president and directors of said company shall be, and they are hereby, invested with all the privileges and power necessary for the location, construction and keeping in repair said turnpike road, not exceeding one hundred feet in width ; and the said president and directors or their agents, or those with whom they may contract for making said turnpike road or any part of it, may enter upon and use any land which may be wanted for the site of said road or any other purpose, which is necessary in the construction or repair of said road, so soon as the amount of compensation therefor is ascertained and tendered as hereinafter provided.

Materials. Sec. 5. The president and directors of said company may agree with the owner or owners of any land, for earth, gravel, timber, stone or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said road,

for the purchase and occupation of the same, and if such materials not previously taken or appropriated by the proprietors thereof to any particular use, as may be necessary for the construction or repair of said road, be found on any unimproved land adjoining or near the same; and if the parties cannot agree, or if the owner or owners of any of them be a feme covert under age, non compos mentis, or out of the county in which the property wanted may be, application may be made to any justice of the peace of such county, who shall thereupon issue his warrants directed to the sheriff of said county, or if the sheriff be interested, to some disinterested person, requiring him to summon twelve freeholders in the county not in any way interested in the matter or related to the parties, to meet in or near the property or materials to be valued on a day named in said warrant, not less than five nor more than ten days after issuing the same; and if at the said time and place any of the person summoned do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a pannel of twelve jurors; and from them each party, his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or summoner for him, her or them, may strike off three jurors, and the remainder shall act as a jury of inquest of damages; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the land, materials or property required by the said company; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same; and it shall be sent to the clerk of the county, and be by him filed in his office, and shall be confirmed by the circuit court of said county at its next session, if no sufficient cause to the contrary be shown; and when confirmed, the same shall be recorded by the said clerk, at the expense of said company; but if set aside, said court may direct another inquisition to be taken in the manner above specified; said inquisition shall describe the property taken, or the bounds required by the said company; such valuation when paid or tendered to the owner or owners of said property, his, her or their legal representative, shall entitle said company to the estate and interest in the same thus valued, as fully as if it had been conveyed, by the

Justice
Peace.

Assessments
in certain
cases, &c.

Jurors to be
sworn.

Appraisal to
be sent to
county clerk.

Circuit
court.

owner or owners of the same, for such term of time as said company shall occupy the same for a turnpike road; and if the valuation be not received when tendered, it may at any time thereafter be received from the company without cost; and the sheriff or summoner and jurors shall be allowed the ordinary fees for like services, to be taxed by the court, which fees shall be paid by the company hereby incorporated.

Completion.

Notice to governor.

Three freeholders appointed to examine road.

Governor to license erection of toll-gates, &c.

Proviso.

Toll-gatherers.

Rates of toll.

Sec. 6. So soon as the president and directors shall have completed the said road, or ten miles thereof, it shall be lawful for the said president and directors to give notice thereof to the person administering the government of the state for the time being, who shall thereupon forthwith nominate and appoint three discreet freeholders in no way interested in such road, to view the same, and to report to him in writing whether such part of the road is completed in a workman like manner, according to the true intent and meaning of this act; and if the report shall be in affirmation, it shall be the duty of the person administering the government for the time being in this state, and he is hereby required by license under his hand and the seal of this state, to permit the said president and directors to make and erect so many gates and turnpikes upon and across said road as may be necessary and sufficient to collect the duties and tolls hereinafter granted to said corporation from all persons travelling or using the same: *Provided, however,* That they shall not have on said turnpike, from Adrian to Coldwater, more than six gates for taking whole toll: *Provided further,* If the said turnpike road intersects the Chicago road before it reaches the village of Coldwater, that no toll-gates shall be established on said Chicago road.

Sec. 7. That so soon as the whole or part of said road shall be completed, and permission so as aforesaid granted to erect a gate or gates upon and across the same, it shall and may be lawful for the said president and directors to appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road, at each and every of said gates, such tolls and duties to wit: For every score of hogs or sheep, six cents; for every score of cattle, horses and mules, twenty cents; for every wagon with two horses, mules or oxen, ten cents; for every additional horse, mule or ox, three cents; for every coach, pleasure wagon or pleasure carriage, with two horses, fifteen cents; and for every additional horse, five cents; for every

chair, sulkey or pleasure carriage with one horse, ten cents, and for every additional horse five cents; for every cart drawn by two oxen, five cents, and for every additional yoke three cents; for every horse or mule, rode or led, five cents; for every cart drawn by one horse, six cents; for all sleighs or sleds drawn by one or more horses, mules or oxen, half the tolls for vehicles on wheels; for every horse or mule and rider, six cents: And it shall and may be lawful for any toll-gatherer to stop and detain any person riding, leading or driving any horses, cattle or sheep, or other article above named in this section as subject to pay toll, until the same is paid: *Provided, however,* That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate of or from any person passing to or from public worship on Sundays, or going to or returning from funerals, or going to or returning from a grist-mill for the grinding of grain for the family use, or from any troops in the service of this state or the United States, or for the transportation of any and all the property belonging to the United States or if this state: *Provided further,* That no person shall be called upon to pay toll at a toll-gate within five miles of his residence. Proviso.

Sec. 8. That the said corporation shall cause mile stones or posts to be erected and maintained, one for every mile of said road from Adrian to Coldwater; and on each stone or post shall be fairly and legibly marked or inserted the distance of the said post from Adrian, and shall also erect and maintain guide boards, at the intersection of all public roads leading into or intersecting said turnpike, on which shall be inscribed the name of the place to which such road leads; and if any person shall wilfully cut, injure or destroy said mile posts, guide boards or said road itself, or shall forcibly pass the gates without payment of toll, such person or persons shall forfeit and pay for every such offence twenty-five dollars, to be recovered by the said corporation in their corporate name, and for their benefit, in action of debt, before any justice of the peace in the county where said offence is committed, or where the offender may be found. Mile stones.
Guide boards
Penalty for defacing, &c.

Sec. 9. If any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of the said gates, or shall demand or receive more toll than by this act is established, he shall for every such offence forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained for his own Penalty for unlawful detention.

use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattels can be found to satisfy such judgment and cost, then and in that case the real property shall be liable to the execution issued on said judgment.

Shares personal estate.

Sec. 10. The shares of said turnpike shall be deemed and considered to be personal estate, and shall be liable to be taken in execution for the payment of any of their just debts, in such manner as is or may be prescribed by law, and shall be transferrable as the president and directors may direct; and the stock of said company shall be held and deemed liable to be taken and sold to discharge all claims against such corporation, in case of failure on its part at any time to discharge such claims out of the funds of the corporation.

Road out of repair.

Sec. 11. Whenever complaint shall be made to either of the three commissioners appointed by virtue of this act to examine and receive the said turnpike road, that if any part or parts thereof is out of repair, it shall be the duty of such commissioner to notify the other two commissioners, who shall repair to such part of said road and view the same; and if the same shall in the opinion of such commissioners be out of repair, then the said commissioners shall give notice in writing of such defect to the toll gatherer or person attending the gate nearest the place so out of repair, and may also in their discretion in the said notice order such gate or gates to be thrown open, and the said gate or gates so ordered to be thrown open, shall immediately after service of such notice as aforesaid be opened and remain open, and no toll shall be demanded until after the said road is put into complete and perfect repair; and if such keeper of the gate shall not immediately after the receipt of such notice open such gate, and keep it open until such repairs are completed, or shall hinder or detain any person or persons in passing said gates, or shall take or demand toll from any person or persons after receiving such notice, and until such repairs are completed as aforesaid, the toll gatherer or gate keeper so detaining any person as aforesaid, shall forfeit and pay to said person so detained as aforesaid the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of the peace in any town where such detention occurred, and the property of said company shall be liable on said judgment: *Provided*, The said toll-

Gates thrown open.

Penalty.

Proviso.

gatherer or gate-keeper has no property liable to an execution; ^{Compensation.} and the commissioners appointed under and by virtue of this act shall receive as a compensation for their services twelve shillings per day for every day they are employed, to be paid by the toll-gatherer of the gate nearest to where the service was rendered, out of the moneys collected at such place, and such toll-gatherer shall be liable for the payment thereof.

Sec. 12. That the said board of directors shall keep a set of ^{Books, dividends, &c.} corporate books, open at all times to any or all of the stockholders, in which shall be entered all the expenditures of said company, and all moneys by them received; that said directors shall make a semi-annual dividend to each and every stockholder of his proportion of the semi-annual profits, after deducting the expenses of making and repairing said road and fixtures thereto appended.

Sec. 13. That the said board of directors have power to estab- ^{By laws.} lish such by-laws and regulations as may be necessary for the management of the affairs of said company, and may appoint a secretary and treasurer to the board, and generally may do all further acts necessary to carry into full force and effect the objects of this incorporation.

Sec. 14. The state of Michigan be, and is hereby, authorized ^{State may purchase.} and empowered at any time hereafter to purchase of said company the turnpike aforesaid, and all the benefits and privileges accruing therefrom to said company: *Provided*, That if at the ^{Provided.} time the state shall purchase the said road, the company shall have received twelve per cent. per annum nett profit on the original cost of construct'on of said road and fixtures, the said company shall surrender said road and fixtures on receiving only the original cost of making the same.

Sec. 15. This act shall be favorably construed to effect the ^{Act made public.} purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be received as evidence thereof.

Sec. 16. The legislature may at any time alter or amend this act by a vote of two-thirds of each house.

Sec. 17. The said road shall be completed in a good and workmanlike manner of good and well hewn timber whenever the alluvial nature of the soil shall render the same necessary, and shall be a good and travelable road.

Sec. 18. If said company shall not within two years complete

Forfeiture of
charter. and open to the public use one-third of said road, and shall not, within four years complete two-thirds of said road, and shall not within six years complete the whole of said road, then this act shall be void.

Approved March 21, 1837.

[No. LXXVII.]

AN ACT authorizing a loan of a sum not exceeding five millions of dollars.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor shall be, and he is hereby, authorized and directed in the name and behalf of the people of this state, to negotiate and agree for a loan or loans not exceeding in the whole five millions of dollars, redeemable at the pleasure of the state at any time after the expiration of twenty-five years from and after the first day of January, one thousand eight hundred and thirty-eight, on the best and most favorable terms and conditions that can in his judgment be obtained, at an interest not exceeding five and a half per centum per annum, payable half yearly, to be expended for the purposes of internal improvement within this state, pursuant to appropriations made by law, to be deposited in the treasury of this state, and denominated the fund for internal improvement; and the same shall be drawn therefrom agreeably to such provisions and appropriations as the legislature may make for works of internal improvement in this state.

Loan.
Amount.
Redemption.
Interest.

Sec. 2. For the purpose of effecting the loan or loans aforesaid, the governor be, and he is hereby, authorized and directed to cause to be made and issue certificates of stock or bonds, in sums of not less than one thousand dollars each, to be signed by himself and countersigned by the secretary of state, with the great seal of the state impressed thereon; which said certificates or bonds shall be drawn in favor of the auditor general, and being endorsed by him, shall become transferable and delivered to the governor, and be transferable by him in such form as he shall decide, to be redeemable as aforesaid, and to bear interest as aforesaid, payable on the first days of January and July in each year, in the city of New-York or elsewhere in the United States, should the governor

Governor to
issue bonds
or certifi-
cates, &c.

find it advantageous so to contract: And it is hereby further declared, that it shall be deemed a sufficient execution of said power to borrow, that the governor cause the said certificates or bonds to be sold: *Provided*, That said certificates or bonds shall not be sold for less than their par value: And the governor shall be, and he is hereby, authorized to make such arrangements, contracts and agreements in behalf of the people of this state, as in his judgment shall secure the payment and safe transmission of the moneys which may arise from the sale of the certificates or bonds aforesaid to the treasurer of this state, to meet and be applied to the objects of appropriation expressed in this act, as the same shall be wanted.

Proviso.
Arrangements for sale of lands and transmission of moneys.

Sec. 3. The faith of this state is hereby pledged for the payment of the loan or loans hereby authorized to be contracted for, principal and interest, according to the terms of the contract or contracts in that behalf made by the governor; and the governor shall be authorized to negotiate said loan or any part thereof, in the United States or in Europe, as he may deem most advisable for the public interest.

Faith of state pledged.

Sec. 4. For the purpose of carrying into effect the provisions of this act, all contingent expenses incurred by the governor in carrying out the provisions of this act, shall be allowed and paid out of the fund for internal improvement.

Contingent expenses, &c

Sec. 5. The proceeds of all railroads and canals constructed by this state, and the interests on all loans which may hereafter be made by the state from the internal improvement fund, and the dividends arising from all bank stock owned or which may hereafter be owned by this state, so far as the same may be necessary, shall, under the direction of the legislature, constitute a sinking fund, for the payment of the principal and interest of the loan hereby authorized.

Sinking fund how constituted.

Approved March 21, 1837.

[No. LXXVIII.]

AN ACT to amend an act entitled "An Act directing the settlements of estates of persons deceased, and for the conveyance of real estate in certain cases.

Judges of probate.

Authority of courts of record in certain cases.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the judges of probate respectively in the several counties within this state, shall have the same authority to authorize, empower and license any executor or administrator of a deceased testator or intestate, who in his or her lifetime contracted with any person or persons by bond, covenant or other contract in writing, to convey some real estate to such person or persons, to make and execute such conveyance or conveyances to such persons contracted with as aforesaid, as any court of record in this state now has.

Approved March 21, 1837.

[No. LXXIX.]

AN ACT granting to Norman Nash and Nicholas Ayrault, the right to keep and maintain a ferry across the St. Clair River.

Ferry across St. Clair river.

Duration.

Landing places, boats, &c.

Rights to be void in case of neglect.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Norman Nash and Nicholas Ayrault and their assigns be, and they are hereby, empowered to keep and maintain a ferry across the St. Clair river, at or near the mouth of the Black river; and the said privilege is hereby declared to be vested in them or their assigns for and during the term of fifteen years from the first day of May one thousand eight hundred and thirty-seven.

Sec. 2. The said Norman Nash and Nicholas Ayrault, or their assigns, shall, on or before the expiration of six months from and after the passage of this act, make or cause to be made good and suitable landing places at the point or points where they shall establish a ferry; and shall build or cause to be built a good and sufficient ferry boat or boats, conveniently constructed for safety and for the purposes of transporting passengers, baggage, carriages, horses, cattle and produce, and to be furnished with suitable implements or machinery for propelling, and so many men as

may be required for the safe navigation of the same ; and in case they shall neglect or refuse so to do in the time above specified, then in that case all the rights and privileges hereby granted shall be null and void.

Sec. 3. The said boats shall be in readiness to take passengers, teams, carriages, goods and chattels, at all times when it shall be reasonable and safe to cross said river, between sun rise and sun down. Boats to ply from sunrise to sunset.

Sec. 4. The said Norman Nash and Nicholas Ayrault and their assigns, shall and may be allowed to collect the following tolls : From November first to April first, for each foot passenger, eighteen and three quarter cents ; for man and horse, fifty-six and one quarter cents ; for carriage with single horse, passengers and goods, ninety-three and three quarter cents ; for loaded wagon or cart with two horses, passengers and driver, one dollar and fifty cents ; for empty wagon, or a wagon or a coach carrying passengers only, with two horses, passengers and driver, one dollar thirty-one and one quarter cents ; for additional horse, mule or ox, twenty-eight cents ; for horse or mule not rode nor in harness, twenty-eight cents ; for head of cattle, when there are more than four, twenty-eight cents ; for head of cattle, when there are four or under, fifty-six and one quarter cents ; for calf under two years old, or sheep or hog, nine and one quarter cents : From April first to November first, for each foot passenger, twelve and a half cents ; for man and horse, thirty-seven and a half cents ; for carriage with single horse, passengers and goods, sixty-two and a half cents ; for loaded wagon or cart with two horses, passengers and driver, one dollar ; for empty wagon, or a wagon or a coach carrying passengers only, with two horses, passengers and driver, eighty-seven and a half cents ; for additional horse, mule or ox, eighteen and three quarter cents ; for horse or mule not rode nor in harness, eighteen and three quarter cents ; for head of cattle, when there are more than four, eighteen and three quarter cents ; for head of cattle, when there are four or under, thirty-seven and a half cents ; for calf under two years old, or sheep or hog, six and a quarter cents : said rates of toll shall be subject to be reduced and re-established by the judges of the circuit court of the county of St. Clair, at any regular term thereof, upon the application of any three freeholders of said county ; but no such reduction shall not Rates of toll. Rates reduced in certain cases.

take place unless it shall be made to appear to said court that twelve days' notice of such intended application has been given to the proprietors of said ferry by personal service on a majority of said proprietors, or by publishing the same three successive weeks in some weekly newspaper published in said county.

Notice of application to be published.

Circuit court to adjudge.

Privileges void.

Sec. 5. If it shall at any time appear to the circuit court of the county of St. Clair, upon sufficient evidence, that the said Norman Nash and Nicholas Ayrault or their assigns, have neglected or refused to comply with the directions of this act in keeping the ferry aforesaid, according to the fair intent and meaning thereof, it shall and may be lawful for the said court to adjudge that all the privileges granted to them by this act shall cease and be void.

Limits of ferry when place specified impracticable.

Sec. 6. Whenever within the time of the continuance of the rights granted under this act, it is impracticable to keep up said ferry at the place hereinbefore mentioned, it shall be lawful for said Norman Nash and Nicholas Ayrault or their assigns, to run the ferry boats between a point one-half mile above the mouth of the aforesaid Black river and the light-house at the head of the river St. Clair, and to charge for ferrying such sums as are hereinbefore established; said grantees shall, so far as the same may be applicable, be subject to all the provisions of an act to regulate ferries, approved April 20th, 1833.

Subject to provisions of former act.

Power of repeal.

Sec. 7. The legislature may alter, amend or repeal this act whenever it shall be deemed necessary to promote the public good.

Approved March 21, 1837.

[No. LXXX.]

AN ACT to incorporate the Pontiac and Huron river canal company.

Commissioners.

Notice.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Amasa Andrews, John P. Leroy, Morgan L. Drake, Alphonzo B. Newcomb and Luman Fuller, be, and they are hereby, appointed commissioners, each of whom is authorized to open a book to receive subscriptions to the capital stock of the Pontiac and Huron river canal company hereby incorporated; first giving thirty days' notice of the time

and place of taking said subscriptions, in one or more newspapers having a general circulation in the county of Oakland; and said subscriptions shall continue open twenty days, and within Books open. three days thereafter the commissioners aforesaid shall meet; and if the subscriptions to said capital stock shall exceed the amount authorized by this act, they shall proceed to apportion Apportionment. said stock among the subscribers in such manner that no person shall have less than five shares, if he subscribed so many.

Sec. 2. The capital stock of said company shall be one hundred thousand dollars in shares of fifty dollars each; and as soon Capital stock. as one hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby, created a body corporate and politic, by the Body corporate. name of the "Pontiac and Huron river canal company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal, or mixed, so far as the same shall be necessary for purposes hereinafter mentioned, and no farther; and in their corporate name may sue and be sued, and may have a common seal which they may alter and renew at pleasure; shall have, enjoy and may exercise all the powers, rights and privileges which appertain to corporate bodies for the purposes mentioned in this act.

Sec. 3. Said corporation hereby created shall have power to Canal, &c. construct a canal from Pontiac, in the county of Oakland, to a certain point on or near the Huron river in the county aforesaid, of sufficient width and depth to admit the passage of such crafts as are usually employed in the carrying trade, and properly secured by guards, docks or such other means as may be requisite, with power to transport, take and convey property and persons upon the same, by the power and force of steam or animals, or of any mechanical or other power, or any combination of them.

Sec. 4. If said corporation shall not, within two years after the passage of this act, commence the construction of said canal, Commencement and completion. and shall not within six years complete and put in operation the whole of said canal, then the rights, privileges and powers of said corporation shall be null and void, so far as it regards such parts of said canal as shall not be finished within the times limited by this act.

Meeting of stockholders. Sec. 5. Whenever one hundred shares of the capital stock shall have been subscribed, if within two years from the passage of this act, the commissioners shall call a meeting of the subscribers at such time and place as they may appoint, by giving thirty days' notice of such meeting in the manner prescribed in the first section of this act; and at such meeting shall lay the books of subscription before the subscribers then present, and thereupon

Notice. the stockholders may elect four directors by ballot, a majority of whom shall be competent to manage the affairs of said company; and said directors are empowered to elect one of their number

Directors. president, and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holders thereof to one vote, either by himself in person or by proxy.

President.

Directors to be chosen annually. Sec. 6. To continue the succession of president and directors of said company, four directors shall be chosen annually on the first Monday in October, at such place as may be appointed by the directors, and if any vacancy shall happen by death, resignation or otherwise, of any president or director before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company or a majority of them; the president and directors of said

Term of office. company shall hold their offices for one year and until others are chosen and qualified in their stead; all elections which are by this act or by the by-laws of the company to be made on any particular day, if not made on such day, may be made at any time thereafter: *Provided*, The notice contemplated in the first section of this act shall have been given.

Proviso.

Annual meeting. Sec. 7. A meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of president and directors; and a meeting may be called at any time during the interval between said annual meetings by the president and directors, or by the stockholders owning not less than one-half of the stock, by giving thirty days' public notice of the time and place of meeting in the manner hereinbefore described; and when any such meeting is called by the stockholders, the particular object of such call shall be stated; and if at any meeting thus called a majority in value of the stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if within said three days stockholders

Adjournment, &c.

having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved.

Sec. 8. At a regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of said company; and at any meeting called by the stockholders, a majority of those present or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders, a majority in value of all the stockholders in said company may remove from office any president or any of the directors of said company, and appoint others in their stead: *Provided*, Notice of such intended removal has been given as required by the seventh section of this act.

Statement of affairs.

Removal from office.

Proviso.

Sec. 9. Every president, director, secretary, treasurer or any other officer of said company, before he acts as such, shall swear or affirm that he will well and truly discharge the duties of his office to the best of his skill and judgment.

Oath of office.

Sec. 10. The president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of said company, and remove them at pleasure; and the said president and directors, or a majority of them, shall have power to determine the manner of adjusting and settling all accounts against the company; also the manner and evidence of the transfers of the stock in said company; and they shall have power to pass all by-laws which they may deem necessary for carrying into execution all the powers vested in the company hereby incorporated.

Appointment of engineers, &c.

By-laws.

Sec. 11. The stock of said canal company, the boats, horses, steam engines, and all property, both real and personal, belonging to said company, shall be responsible, and may be taken in execution for the payment of any debt due from said company.

Stock, &c. responsible for debts of company.

Sec. 12. The president and directors of said company shall be, and they are hereby, invested with all the privileges and powers necessary for the location, construction and keeping in repair said canal, not exceeding one hundred feet in width; and the said president and directors, or their agents, or those with whom

Location.

Dimensions, &c.

they may contract for making said canal, or any part of it, may enter upon, use and excavate any land which may be wanted for the site of said canal, or any other purpose which is necessary in the construction or repair of said canal or of its works, so soon as the amount of compensation therefor is ascertained and tendered as hereinafter provided for.

Materials.

Justice of
peace.

Jurors.

Appraisal
filed with
county clerk.

Sec. 13. The president and directors of said company may agree with the owner or owners of any land, for either timber, gravel, stone or other material, or any articles whatsoever which may be wanted in the construction or repair of said canal, or any of its works, for the purchase or occupation of the same, and if such materials (not previously taken or appropriated by the proprietors thereof to any particular use,) as may be necessary for the construction and repair of said canal or any of its works, be found on any unimproved land adjoining or near the same; and if the parties cannot agree, or if the owner or owners or any of them be a feme covert under age, non compos mentis, or out of the county in which the property wanted may be, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant directed to the sheriff of said county, or if the sheriff be interested, to some disinterested person, requiring him to summon twelve freeholders in the county not in any way interested in the matter or related to the parties, to meet on or near the property or materials to be valued, on a day named in said warrant, and not less than five nor more than ten days after issuing the same; and if at the said time and place any of the persons summoned do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from them each party, his, her or their agent or attorney, or if either be not present, in person or by agent, the sheriff or summoner for him, her or them, may strike off three jurors, and the remainder shall act as a jury of inquest of damages; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the land, materials or property required by said company; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same; and it shall be sent to the clerk of the coun-

ty and by him filed in his office, and shall be confirmed by the circuit court of said county at its next session, if no sufficient cause to the contrary be shown; and when confirmed, the same shall be recorded by the said clerk, at the expense of said company; but if set aside, said court may direct another inquisition to be taken in the manner above specified, said inquisition shall describe the property taken or the bonds required by said company; such valuation, when paid or tendered to the owner or owners of said property, his, her or their legal representatives, shall entitle said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as the said company shall occupy the same as a canal; and if the valuation be not received when tendered, it may at any time thereafter be received from the company without cost, and the sheriff or summoner and jurors shall be allowed the ordinary fees for like services to be taxed by the court.

Circuit court, fees, &c.

Sec. 14. The said president and directors shall have power to purchase with the funds of the company and place on any canal constructed by them under this act, all machines, boats and water craft of any description, which they may deem necessary or proper for the purposes of transportation on said canal; and they shall have power to charge for tolls and transportation such reasonable sums as shall be established by the by-laws of the company hereby incorporated; and it shall not be lawful for any other company, or any other person or persons, to transport any passengers, merchandize or property of any description whatever on said canal, or any part of it, without the license or permission of the said president and directors of said company; and the said canal, with all its improvements, works and profits, all machinery used on said canal for transportation, are hereby vested in said company incorporated by this act, and their successors forever, and the shares of the capital stock of said company, shall be considered personal property, and shall be transferable agreeably to the by-laws of said company, and subject to be taken on execution agreeably to such laws as are or may hereafter be in force. The right and privilege is hereby reserved to this state, or any company now incorporated under the authority of this state, to connect with the canal hereby provided for, any other canal leading from the main route to any part or

Purchase of boats, &c.

Tolls.

Vested rights

Shares personal property.

Rights reserved to state.

Provided.

parts of this state : *Provided*, That in forming such connection no injury shall be done to the works of the company hereby incorporated : *Provided further*, That the said company or companies so connecting, may have the free use of said canal, by paying such tariff or tolls as may be established by the legislature, and this incorporation shall be entitled to the same rights and privileges to any canal or canals hereafter connected.

Dividends.

Sec. 15. The president or directors shall annually or semi-annually declare and make such dividend as they may think proper, of the net profits from the resources of said company, deducting the necessary current expenses ; and they shall make such dividend among the stockholders of said company in proportion to their respective shares.

Penalties.

Sec. 16. If any person or persons shall wilfully and maliciously by any means whatsoever, injure, impair or destroy any part of the banks of said canal, constructed by said company under this act, or any of the necessary buildings or machinery, or boats of said company, such person or persons so offending shall each of them for every such offence, forfeit and pay to the said company, a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of the company, by an action of debt in any court having competent jurisdiction in the county where the offence shall be committed ; and shall also be subject to an indictment, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court: *Provided*, The said imprisonment shall not exceed one year.

Proviso.

State may purchase.

Sec. 17. The state shall have the right at any time after the completion of said canal, to purchase and hold the same, together with all the property of the corporation, for the use of the state, at a price not exceeding the original cost of said canal and property, including repairs thereof and fourteen per cent. thereon, of which cost and expense of repairs, an accurate account shall be kept and submitted annually, on the first Monday in January, to the legislature, duly attested by the oath of the officers of said company, and at such other times as the legislature shall require the same.

Annual report to legislature.

Act made public.

Sec. 18. This act shall be favorably construed to effect the purposes thereby intended ; and the same is hereby declared to be a public act, and copies thereof printed by the authority of the state shall be received as evidence thereof.

Sec. 19. The legislature may at any time hereafter by a vote of two-thirds of each house amend this act. Right of amendment.

Approved March 21, 1837.

[No. LXXXI.]

AN ACT to amend an act entitled, "An act to authorize judges of probate to grant license to sell the real estate of minors and others," approved July 25, 1836.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the judges of probate, in their respective counties, may grant license to guardians to sell the real estate of minors and others, at public auction or private sale, agreeably to the directions and provisions of the act to which this is amendatory. Judges of probate license for sale of real estate.

Approved March 21, 1837.

[No. LXXXII.]

AN ACT to incorporate the Grand Rapids bridge company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Lucius Lyon, Charles H. Caroll, Henry P. Bridge, William A. Richmond, and John P. Calder, and their associates be, and they are hereby, created a body corporate and politic, in fact and in name, by the name of "Grand Rapids bridge company," and by that name they and their successors shall and may, until the first day of May, in the year of our Lord one thousand eight hundred and fifty-seven, be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they may have and use a common seal, and may alter and change the same at pleasure; and may purchase, hold and convey any real and personal estate which may be necessary for the purposes of this corporation, and for no other use or purpose whatsoever. Body corporate. Duration. Powers.

Sec. 2. That the stock, property, affairs and concerns of said

Directors. corporation, shall be managed and directed by five directors, who
Treasurer. shall be stockholders, and shall, together with the treasurer, be
 annually chosen and elected on the first Tuesday in May, at such
 place in the village of Grand Rapids, as the directors for the time
Notice. being shall appoint, of which public notice shall be given at least
 thirty days previous to the said election; and the election shall be
 held and made by such of the stockholders as shall attend for that
 purpose, either in person or by proxy, which proxies shall always
 be stockholders, and all such elections shall be by ballot; and such
 directors and treasurer shall hold their respective offices for the
 term of one year, and until others are elected in their stead; and
 that Lucius Lyon, Charles H. Carroll, Henry P. Bridge, William
 A. Richmond and John P. Calder, shall be the first directors, and
 George C. Nelson the first treasurer of the said corporation, and
 shall hold their offices until the first Tuesday in May, one thou-
 sand eight hundred and thirty-seven, and until others shall be
 elected in their stead.

President. Sec. 3. The said directors shall, as soon as may be after their
 election or appointment, choose one of their number president;
Powers of directors, &c. and the said directors shall have power to make such by-laws,
 rules, orders and regulations, not inconsistent with the laws and
 constitution of this state, or of the United States, as shall be ne-
 cessary for the management and well ordering the affairs of said
 corporation; to call special meetings of the stockholders; to appoint
 and employ such agents, clerks, superintendents, toll-gatherers,
 workmen and other persons as shall be necessary for executing
 the business of said corporation; to require and receive from the
 treasurer and other persons in their employ, bonds with sufficient
 sureties for the faithful performance and discharge of their trust,
 and if at any time the treasurer or either of the directors shall
 die, resign or remove from the state, or cease to be a stockholder,
 his place shall be filled for the remainder of the year by such per-
 son as the directors or a majority of them shall appoint.

Capital stock. Sec. 4. The capital stock of said company shall not exceed
 fifteen thousand dollars, and a share in said stock shall be fifty
 dollars, and that each stockholder shall be entitled to a number of
 votes equal to the number of shares he shall have or hold in his
 own name; and it shall and may be lawful for the said directors,
Installments. from time to time, to call for and demand from the stockholders
 respectively, such part of the said sum of fifty dollars upon each

of the shares held by them respectively, as to the said directors may appear proper, and upon refusal or neglect to make such payments, or any of them, to cause such shares and all payments previously made thereon, to be forfeited to the said corporation. Forfeiture.

Sec. 5. It shall and may be lawful for the said corporation to Bridge. erect a bridge not less than twenty-two feet in width over the Grand River, at a point on the rapidsthere of, at the foot of Bridge-street, on that part of the village of Grand Rapids, known and distinguished as the village plat of Kent; and whenever said bridge shall have been erected and completed according to the true intent and meaning of this act, it shall and may be lawful for the president and directors to erect a gate at either end of the Gate. said bridge, and to demand and receive for the use of the said corporation the tolls following, to wit: For every four wheeled Tolls. pleasure carriage being on springs, drawn by two horses, thirty-seven and a half cents; and every additional horse, six and one-fourth cents; every two wheeled pleasure carriage drawn by one horse, twenty-five cents; every wagon, cart or sleigh drawn by two horses, oxen or mules, twenty-five cents; each additional horse, six and one-fourth cents; every one-horse wagon or sleigh, eighteen and three-fourth cents; every man and horse, twelve and a half cents; every foot passenger, three cents; every horse or mule led or drove, six and one-fourth cents; every cow or other neat cattle, four cents; every sheep, hog or calf, one cent; and it shall be lawful for any toll gatherer, appointed by said directors, to stop and detain every person with teams, horses, cattle or any thing which is liable to toll, until they shall have respectively paid the toll herein allowed to be collected: *Provided,* Provide. *nevertheless,* That all persons going to or from public worship, or to or from a funeral, or to or from a legal parade of militia, being to do or perform military duty, or going to or from any court of justice, having been regularly summoned or subpoenaed as witnesses or jurors, going to or from a grist mill for the grinding of grain for the family use, shall be exempt from any toll: *Provided,* Provide. *further,* That the legislature may at any time alter the rate of tolls herein authorized and established.

Sec. 6. If any person or persons shall wilfully do or cause to be done, any illegal act whatsoever, whereby the said bridge, or Penalty for injury, &c. any thing appertaining to the same, shall be weakened or injured, every person so offending shall forfeit and pay to the said compa-

ny, treble the amount of damages sustained by means of such offence or injury ; and if any person or persons shall forcibly pass the gate to be erected on said bridge in pursuance of this act, without having paid the legal toll, or shall ride or drive any horse or team on the said bridge faster than on a walk, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one dollar, and all such fines and forfeitures shall be recovered by said company, with cost of suit, in an action of debt, in the name of the treasurer of the corporation, and to their use, in any court having cognizance thereof.

Corporation
to be dissol-
ved.

Sec. 7. If the said bridge shall not be erected, built and completed within two years from the passage of this act, or if after the bridge shall have been completed, it shall at any time be impassable, for the want of sufficient repairs, the term of sixty days, or if the said bridge shall be carried away by ice, or otherwise destroyed, and shall not be rebuilt within two years, then and in either of those cases the corporation created by this act shall be adjudged and considered to be dissolved to every intent and purpose, except for the purpose of answering and defending any suit or suits to be commenced against them in closing up the affairs of such company.

List of tolls.

Penalty for
overcharge.

Sec. 8. It shall be the duty of the said corporation to cause to be affixed in a conspicuous place over the said gate, a printed list of the rate of tolls and fines ; and if any tax gatherer, shall demand and receive more toll than is by this act allowed to be taken, or shall unreasonably hinder or detain any traveller, he shall for every such offence, forfeit and pay a sum not exceeding ten dollars to be sued for and recovered before any justice of the peace of the county wherein such offence shall have been committed, for the use of the person or persons so unlawfully defrauded, hindered or detained.

Books to be
opened.

Sec. 9. The said directors hereby named and appointed, shall and may cause books to be opened for the reception of subscriptions to the stock of the said company, and may make such regulations concerning such subscriptions as to them shall seem expedient.

Public act.

Sec. 10. This act be, and the same is hereby declared a public act, and shall be construed favorably for every beneficial purpose therein named.

Sec. 11. The legislature may at any time amend or alter this act, by a vote of two-thirds of each house. Amendment.

Approved March 21, 1837.

[No. LXXXIV.]

AN ACT to amend an act entitled "An act amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the treasurer of the state shall, on or before the first day of August in each year, make out a list of all appropriations made by the legislature, together with an estimate of the amount required to be levied as a state tax for the current year, and shall file the same in the office of the auditor general. List of appropriations.
Estimate of state tax filed with auditor general.

Sec. 2. It shall be the duty of the auditor general, on or before the first day of September in each year, to apportion among the several counties of this state, agreeably to the amount of property as shall appear by the assessment rolls last returned to his office, the amount of tax so required to be levied, adding to such-estimated amount such sum or sums as may be deemed necessary, and immediately to transmit to the treasurer of each county a statement of the amount of tax required to be levied and assessed in his county, which statement it shall be the duty of the several county treasurers to lay before the board of supervisors at their next annual session in the month of October: *Provided,* Auditor general to apportion tax.
Statement to county treasurer. No such state tax shall in any one year exceed in the whole one and a half mills on every dollar of real and personal estate in the respective counties. Provide.

Sec. 3. So much of the second section of the act to which this is amendatory, as requires that there shall be two and a half mills on every dollar of real and personal estate in each of the respective counties paid into the treasury as a state tax, be, and the same is hereby, repealed. Second section of original act repealed.

Approved March 21, 1837.

[No. LXXXV.]

AN ACT to provide for the salary of certain officers.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the secretary of state shall receive for his services an annual salary of one thousand dollars.

Secretary of
State.

Sec. 2. The auditor general shall receive for his services an annual salary of five hundred dollars.

Auditor ge-
neral.

Sec. 3. The attorney general shall receive for his services an annual salary of four hundred dollars.

Attorney ge-
neral.

Sec. 4. The state treasurer shall receive for his services an annual salary of five hundred dollars, which salaries shall be paid quarter yearly, out of any money in the treasury not otherwise appropriated.

State trea-
surer.

Quarterly
salaries.

Sec. 5. The act fixing the salaries of certain officers, approved February twentieth, eighteen hundred and thirty-six, is hereby repealed so far as relates to the officers herein named.

Former act
relative
thereto re-
pealed.

Sec. 6. This act shall take effect from and after the first day of January, A. D., 1837.

Act take ef-
fect.

Approved March 21, 1837.

[No. LXXXVI.]

AN ACT relative to the duties of sheriffs and jailors in certain cases.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the passage of this act, it shall be the duty of the sheriffs and keepers of the respective county prisons of this state, to receive into their prisons any person or persons duly committed thereto by virtue of any civil process issued by any court of record instituted under the authority of the United States, in the same manner as if such prisoners had been committed by virtue of process in civil actions, issued under the authority of this state.

Sheriff and
jailors to re-
ceive United
States pris-
oners on civil
process.

Sheriffs lia-
ble for es-
cape.

Sec. 2. From and after the passage of this act, every sheriff or keeper of a prison within any county of this state, to whose jail any prisoner shall be committed by any marshal or other officer of the United States, as provided in the preceding section, shall be liable for the escape of a prisoner, to the like actions and pen-

alties as he would have been had such prisoner been committed by virtue of process issuing under the authority of this state.

Sec. 3. From and after the passage of this act, it shall be the duty of the sheriffs and keepers of the respective county prisons of this state, to receive into their prisons any person or persons ^{U. S. prisoners on criminal process.} duly committed thereto, for any offence against the United States, by any court or officer of the United States, and to confine such person or persons in their prisons until he shall be duly discharged ^{U. States to maintain said prisoners.} according to law; the United States supporting such person or persons during his, her or their confinement.

Sec. 4. It shall be the duty of the respective keepers of each of the county and state prisons, to receive into the said prisons, and safely to keep therein, subject to the discipline of such prison, any criminal convicted of any offence against the United States, sentenced to imprisonment therein by any court of the United States sitting within this state, until such sentence be executed, or until such convict be discharged by due course of law; ^{U. S. convicted criminal.} the United States supporting such convict, and paying the expenses attendant upon the execution of such sentence. ^{Maintenance, &c.}

Sec. 5. Such prisoner thus committed by virtue of any process or warrant issued by any court or officer of the United States, or committed pursuant to any sentence of any court of the United States sitting within this state, for an escape or an attempt to escape, shall be liable to like punishment as if he had been committed by virtue of commitment or conviction under the authority of this state; and the keeper of such prison is hereby declared and made liable to the penalties and punishment for any neglect or violation of duty in respect to the custody of such prisoner, as ^{Prisoner, penalty for escape.} if he had been committed by virtue of process issuing under the authority of the state. ^{Keeper liable for neglect, &c.}

Approved March 21, 1837.

[No. LXXXVII.]

AN ACT to authorize the sale of certain lands.

Whereas, it is represented by the heirs and legal representatives of the estate of James Henry, late of the city of Detroit, deceased, intestate, that for the final settlement of the said estate, ^{Preamble.} it is necessary that the real property of which the said intestate ^{Heirs of James Henry.}

died seized should be sold, to effect a just and equitable division of the same : Therefore,

Judge of probate appoint three commissioners to examine concerning partition.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the judge of probate in and for the county of Wayne, be, and he is hereby, authorized and empowered to appoint three reputable freeholders, to examine into the condition of the real estate of which James Henry, late of the city of Detroit, merchant, deceased, intestate, died seized, and to make a report under oath to the said judge regarding the practicability of a partition of the same : And if upon the return made by the said commissioners to the judge of probate, it shall manifestly appear to his satisfaction, that the lands, tenements and hereditaments appertaining to the said estate, are so situated that a partition thereof cannot be made without great prejudice to the owners of the same, then and in that case it shall be lawful for the said judge to order the said commissioners to sell the premises in question at public auction, to the highest bidder or bidders, after giving such public notice of the time and place of such sale as he may deem reasonable and shall direct ; and the said commissioners or any two of them good and sufficient conveyances in law to the purchaser or purchasers to make and execute, which said conveyances shall be good and valid in law and equity for the conveyance of the same : *Provided*, That the judge of probate shall endorse his approval upon the same.

To be sold at auction in a certain case.

Conveyances.

Proviso.

Commissioners to apportion shares.

Sec. 2. *Be it further enacted*, That in case of the sale of the premises aforesaid, the commissioners shall apportion their respective shares among the heirs and legal representatives of the said intestate, and after deducting the cost and expenses incident to the proceedings herein, distribute, under the direction of the judge of probate, the residue of the moneys arising from the sale of the said real estate amongst the several heirs and legal representatives aforesaid in their respective proportions : *Provided*, however, That the judge of probate may require of all or any of the said claimants security to his satisfaction to refund his or her proportion of such moneys, with interest thereon, if at any time thereafter it shall appear that they were not entitled thereto.

Distribution.

Proviso.

Commissioners to give security.

Sec. 3. *Be it further enacted*, That the commissioners appointed under this act shall give good and sufficient security, to the satisfaction of the judge of probate, for the faithful performance

of their commission, and the payment of all moneys within their hands arising from the sale of said real estate.

Approved March 21, 1837.

[No. LXXXVIII.]

AN ACT to incorporate the Owasso and Saginaw navigation company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Daniel Ball, Alford L. Williams, Benjamin O. Williams, Lewis Findley, William Gage, Gardiner D. Williams, Norman Little, Samuel G. Watson, Ephraim J. Williams, Elias Comstock, Alexander Hilton and Perry G. Gawner, be, and they are hereby, appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the "Owasso and Saginaw navigation company," hereby incorporated; and they shall cause books to be opened at the village of Owasso and city of Saginaw, for the space of three days, at such time as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice, in at least two newspapers printed in this state, of the time of taking subscriptions at the places aforesaid.

Commissioners.

Books to be opened.

Notice.

Sec. 2. The capital stock of said company shall be one hundred thousand dollars, in shares of twenty-five dollars each; and as soon as five hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby, created a body corporate and politic, by the name of the "Owasso and Saginaw navigation company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal, or mixed, so far as the same may be necessary for purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued, may have a common seal which they may alter and renew at pleasure, and shall have, enjoy and may exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes mentioned in this act.

Capital stock.

Body corporate.

Enter upon
Shiawassee
river.

Sec. 3. Said corporation hereby created shall have power, and are hereby authorized to enter upon the river Shiawassee, and upon the lands on either side, and to use the rocks, stones, gravel or earth which may be found thereon, in the construction of their works, first giving notice to the owners or occupiers of the land; and to form and make, erect and set up, any dams, locks or any other device whatsoever, which they shall think most fit and convenient to make a complete slack water navigation be-

Slack water
navigation.

tween the points herein mentioned, to wit: From the village of Owasso, situate on the Shiawassee river, in the county of Shiawassee, to and down said river to a point where the Flint river intersects the Shiawassee; and that the locks for the purposes of passing steamboats, barges and other craft up and down said river, shall be of sufficient width and length to admit a safe and easy passage for steamboats, barges and other craft, up as well as down said river; they shall make amends for any damages that may be done on said lands, and pay the owner or owners for the materials taken away, as well as for the land occupied in the construction of the said dams and water-works.

Locks, dams,
&c.

Lands taken
to be paid for.

Materials.

Sec. 4. The said corporation may agree with the owner or owners of any land, for earth, timber, gravel, stone or other materials, or any article which may be wanted in the construction or repair of said dams, locks, or any of its works, for the purchase or occupation of the same; and if such materials (not previously taken or appropriated by the proprietor thereof to any particular use,) as may be necessary for the construction and repair of said dams, locks or other improvements in the river Shiawassee, be found on any unimproved land adjoining or near the same; and if the parties cannot agree, or if the owner or owners of any of them be a feme covert, under age, non compos mentis, or out of the county in which the property wanted may be, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant directed to the sheriff of said county, or if the sheriff be interested, to some disinterested person, requiring him to summon twelve freeholders in the county not in any way interested in the matter or related to the parties, to meet on or near the property or materials to be valued, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same; and if at the said time and place any of the persons summoned do not attend, the said sheriff or

Justice of
peace.

summoner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors; and from them each party, his, her or their agent or attorney, or if either be not present, in person or by agent, the sheriff or summoner for him, her or them, may strike off three jurors, and the remainder shall act as a jury of inquest of damages; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the land, materials or property required by said company; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall be sent to the clerk of the county, Appraisal to be sent to county clerk. to be by him filed in his office, and shall be confirmed by the circuit court of said county at its next session, if no sufficient cause to the contrary be shown; and when confirmed, the same shall be recorded by the said clerk, at the expense of said company; but if set aside, the said court may direct another inquisition to be taken in the manner above specified: said inquisition shall describe the property taken, or the bounds of the land required by said company; such valuation, when paid or tendered to the owner or owners of said property, his, her or their legal representatives, shall entitle the said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same for the purposes of navigation as aforesaid; and if the valuation be not received when tendered, it may at any time thereafter be received from the company without cost; and the sheriff or summoner and jurors shall be allowed the ordinary fees for like services to be taxed by the court. Fees, &c.

Sec. 5. The said corporation shall have the privilege and be entitled to use the water power of said river, to propel such machinery as they may think proper to erect on the land which they may previously have purchased from the owner or owners, or may sell in fee, lease, or rent for one or more years the said water power, to any person or persons, on such terms as shall be most advantageous to the corporation: *Provided*, That it may be so done that it shall not injure, impede or interrupt the navi- Water power. Provision.

gation, and that the moneys arising from such sale of the water power be applied to the use and benefit of the said corporation.

Commence-
ment and
completion.

Sec. 6. If said corporation shall not within eighteen months from and after the passage of this act commence the construction of said locks and dams, and shall not within three years complete one-third of the works necessary for navigating said river, and shall not within five years complete the clearing, damming and locking of said river, then the rights, privileges and powers of said corporation shall be void.

Meeting of
subscribers.

Sec. 7. Whenever four hundred shares of the capital stock shall have been subscribed, the commissioners shall call a meeting of the subscribers at such time and place as they may appoint, by giving thirty days' notice of such meeting in the manner prescribed in the first section of this act, and at such meeting shall lay the books of subscription before the subscribers then present; and thereupon the stockholders may elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company; and said directors are empowered to elect one of their number president, and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holders thereof to one vote, either by himself in person or by proxy.

Directors.

President.

Officers cho-
sen annually.

Sec. 8. To continue the succession of president and directors of said company, seven directors shall be chosen annually, on the first Monday of October, at such place as may be appointed by the directors; and if any vacancies shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company or a majority of them. The president and directors of said company shall hold their offices for one year and until others are chosen and qualified in their stead: all elections which are by this act, or by the by-laws of the company to be made on any particular day, if not made on such day, may be made at any time thereafter: *Provided*, The notice contemplated in the first section shall have been given.

Tenure of of-
fice.

Proviso.

Annual
meeting.

Sec. 9. A general meeting of the stockholders of said company shall be held annually, at the time and place appointed for the election of president and directors; and a meeting may be called at any time during the interval between the said annual meeting

by the president and directors, or by the stockholders owning not less than one-eighth of the stock, by giving thirty days' notice of the time and place of meeting, in the manner hereinbefore prescribed; and when any such meeting is called by the stockholders, the particular object of such call shall be stated; and if at any meeting thus called, a majority in value of the stockholders are not present, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if within three days stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved.

Sec. 10. At the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the said company; and at any meeting called of the stockholders, or majority of those present, or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders, a majority in value of all the stockholders in said company may remove from office any president or any of the directors of said company, and appoint others in their stead.

Sec. 11. Every president, director, secretary and treasurer of said company, before he acts as such shall swear or affirm that he will well and truly discharge the duties of his office to the best of his skill and judgment.

Sec. 12. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; and the said president and directors, or a majority of them, shall have power to determine the manner of adjusting and settling all accounts against the company; also, the manner and evidence of the transfers of the stock of said company; and they shall have power to pass all by-laws which they may deem necessary for carrying into execution all the powers vested in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States or of this state.

Power to locate, construct, &c.

Sec. 13. The president and directors of said company shall be, and they are hereby, invested with all the privileges and power necessary for the location, construction and keeping in repair said dams and locks aforesaid; and the said president and directors, or their agents, or those with whom they may contract for making said dams, locks, and clearing out of said river or any part of it, may enter upon, use and excavate any land which may be wanted for the purposes of improving the navigation of said river, or any other purpose which is necessary in the construction and repair of said dams and locks, so soon as the amount of compensation therefor is ascertained and tendered as heretofore provided.

Out of repair, forfeiture.

Sec. 14. If the president and directors of said company shall neglect and refuse to keep in good order and repair any dam, lock or sluice of their own construction, or shall neglect to remove any obstacle which may occur therein, so that boats, barges, rafts or vessels cannot at all times safely navigate said river when the same is not prevented by ice or other unavoidable cause, they shall for every such offence pay the sum of fifty dollars, to be recovered in the same manner as debts of equal amount are or shall be by law recoverable, one-half to the use of the informer and the other half to the use of the poor of the township or county where the neglect or refusal may occur.

Wilfully injuring, &c.

Sec. 15. If any person or persons shall wilfully and knowingly do any act or thing whereby the navigation shall be impeded or any dam, lock, gate or engine, machine or device therein belonging, or any machinery or property of the company shall be injured or damaged, he, she or they so offending shall forfeit and pay to the said company double the damages by them sustained, together with cost, to be recovered by action of debt before any justice of the peace, or in any court of competent jurisdiction.

Penalty.

Vested rights heretofore granted.

Sec. 16. Nothing herein contained shall at any time injure, destroy or in any way impair any right, privilege or legal claim which may have been granted to individuals by any act or acts of this state heretofore passed, for the purpose of erecting mill dams in said river; but such persons as have mill dams thereon are hereby enjoined to have them constructed or raised to a proper height, in order that they may correspond with the work of the company hereby chartered, at their own proper cost and expense; and also to build and erect a suitable lock or locks and

All dams, &c. to conform to those of company.

guard walls, and the same to be inspected and approved of by the said president and directors or a majority of them, and to maintain and keep the same in perfect order and repair; to receive the same tolls in proportion, and be subject to the same penalties and forfeitures, and be liable to have process served on him, her or them, in the same manner as the president, directors and company are subject to, according to the provisions of this act; but if the owner of such privilege shall, for six weeks after notice given by said president, directors and company, neglect or refuse to construct or repair his or her dam, and make his or her lock in the manner prescribed by the company, then the said directors and company shall have power to erect such dam and lock, and receive the toll in the same manner as other tolls are received proportionably.

Sec. 17. The president, directors and company, or such person ^{Tolls.} or persons as they shall from time to time appoint, shall have power to charge and receive for tolls in said river such reasonable sums as shall be established by the by-laws of the company hereby incorporated and approved by the legislature; and it shall not be lawful for any other company, or any other person or persons, to receive tolls in any portion of said river above referred to, or any part thereof, without the license or permission of the said president and directors of said company; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable agreeably to the by-laws of said company, and subject to be taken on execution ^{Capital stock personal property.} agreeably to such laws as are or may hereafter be in force.

Sec. 18. The president or directors shall, at such times as the company by their by-laws may direct, declare and make ^{Dividends.} such dividend as they may think proper of the net profits from the resources of said company, deducting the necessary current expenses; and they shall make such dividend among the stockholders of said company, in proportion to their respective shares.

Sec. 19. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be ^{Act made public.} a public act.

Sec. 20. Nothing herein contained shall be construed to authorize the company hereby incorporated to enter upon or flow ^{Company not to flow lands.} the lands of any person or persons without the consent of such person or persons; and the legislature may at any time so far

Amendments
for further
improvement.

Right to
amend or re-
peal.

amend this act as to provide for the further improvement of the navigation of said river.

Sec. 21. The legislature shall have power at any time to alter or amend this act ; but such alteration or amendment shall not divert the property or funds of said company from the purposes herein expressed.

Approved March 21, 1837.

[No. XC.]

AN ACT to amend an act entitled "An Act to extend Jefferson Avenue to the intersection of the present Grosse Point road on Lake St. Clair."

Repeal.

Extension,
directions
and courses.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of an act entitled "An Act to extend Jefferson Avenue to the intersection of the present Grosse Point road on Lake St. Clair," approved July 25th, 1836, as provides that said road shall be extended on the course north sixty degrees east, is hereby repealed ; and it is hereby enacted, that the said Jefferson Avenue shall be extended to the said intersection of the Grosse Point road in the directions and on the courses following, to wit : commencing at the centre of the present termination of said Jefferson Avenue on the west line of the Church farm so called, in the township of Hamtramck, running thence north forty-seven degrees east, fifteen chains thirty-one links, to the east line of said Church farm ; thence north forty-seven degrees east, nine chains fifteen links to the east line of lands owned by Victor Morasse ; thence on the same course fifteen chains sixty-four links to the east line of lands owned by Thomas Chase ; thence on the same course eight chains and fifty links ; thence north forty-two degrees east, twelve chains seventy-seven links, to the east line of lands owned by Abraham Cook ; thence on the same course eighteen chains sixty-nine links to the east line of R. Gillet's farm ; thence on the same course to the east line of lands lately owned by Stevens T. Mason ; thence on the same course to the east line of lands owned by Joseph Campau ; thence on the same course to the east line of land owned by Peter Van Every ; thence on the same course to the east line of lands owned by Joseph Campau ; thence north fifty-five degrees east

to the east line of land owned by Tousaint Shane ; thence on the same course through lands of Francis Rivard, Peter Delorm, S. Disoney, the widow St. John, and to the east, line of land owned by Andrew Mack ; thence north sixty-one degrees east through lands of John B. Shover, Joseph Campau and Edward Pesha, and two chains eighty-two links beyond said Pesha's lands ; thence north eight degrees east, crossing Connor's creek, through lands owned by Thomas Tremble, Mrs. Laferty and Joseph Campau, to the centre of the present travelled road leading to Grosse Point, in front of William Halter's house ; thence north fifty-eight and one-half degrees east, through lands of John Martin, G. Boreland, Peter Tremble, Nicholas Kinnick, John B. Shover, the widow Shover, and to the east line of land owned by M. Monches, in the centre of the road leading to Grosse Point ; thence north sixty-six degrees east, in said road eighteen chains ; thence north seventy-four and a half degrees east, eight chains and fifty links on the south side of said road ; thence on the same course to the angle in said road in front of F. H. Stevens's house ; thence north fifty-nine degrees east, through lands of F. H. Stevens, Bassit Revard, Peter Gaise, Barnabas Campau, Peter Revoir, Charles Revoir, Michael Revoir, to the east line of Michael Revoir's land ; thence on the same course thirty chains ; and thence north forty-five degrees east, to the intersection of the present Grosse Point road on Lake St. Clair, on the east line of Henry Hudson's land, the place of termination. And also so much of said above recited act which declares that "all damages attending the location, opening and constructing the said road, shall be paid by the inhabitants of the said township of Hamtramck," is hereby repealed ; and it is hereby enacted, that the expenses of opening, locating and constructing of said road, which have accrued or may hereafter accrue, shall be paid by assessment on all real and personal property in said township ; which said assessment it shall be the duty of the assessors of said township to make in the same manner and at the same time as state, county and township taxes are assessed ; which said assessment shall for the present year amount to the sum of three hundred dollars, to be apportioned on all property as aforesaid, in proportion to the assessed value of the same ; and from year to year hereafter in such amount as shall be directed by the commissioners of highways of said township, until the said road shall be completed and finished ; and further, that should

Surplus to be returned. money have been subscribed, paid and applied for the construction of said road, by any taxable inhabitants of said township of Hamtramck, or owners of lands lying therein, the said moneys so paid and applied, shall, so far as they extend, be in lieu of such tax; and if the moneys so paid and applied exceed the amount of their assessment, the surplus shall be paid and returned to such subscribers, out of the taxes to be raised under the provisions of this act by the collectors.

Obstructions to be removed. Sec. 2. Every freeholder or occupant of lands through which said road shall have been located, shall, on or before the fifteenth day of April next, remove every obstruction that may be on the road so located, and if any such freeholder or inhabitant shall fail or neglect to comply with the directions of this section, he or she, as the case may be, shall, for each and every such offence, forfeit and pay a sum not exceeding five dollars for every day the said road shall be so obstructed, to be recovered by action of debt, to be brought by the commissioners of highways, in the name of the supervisors of the township, before any justice of the peace in said township, which forfeiture shall be applied to the construction and opening of said road.

Penalty for neglect. Sec. 3. This act shall not take effect or be in force, until three disinterested freeholders, to be appointed by the governor, shall examine the route of said road, as set forth in the first section of this act, and assess the damages, if any, which result to the individual or individuals across or through whose land the said road shall pass, and the said freeholders after such assessment shall deliver to the individual or individuals in favor of whom such assessment shall be made, a certificate stating the amount which such individual or individuals are entitled to, which certificate shall entitle the holder to the amount therein specified, and the collector of the township of Hamtramck shall receive the said certificates in payment for county taxes assessed against the holder or holders of said certificate.

Governor to appoint three assessors.

Certificates received for county taxes.

Approved March 21, 1837.

[No. XCI.]

AN ACT for the relief of Martin Story, Alexander H. Stowell, and N. B. Carpenter.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Martin Story be, and he is hereby, released from the payment of the penalty of two hundred dollars, incurred by neglect to render his account in time prescribed by law, as auctioneer of the county of Wayne: *Provided* That said Martin Story shall pay all costs that may have accrued by reason of any prosecution instituted against him for such neglect.

Relief.
Martin Story.

Proviso.

Sec. 2. That Alexander H. Stowell be, and he is hereby, released from the payment of the penalty of two hundred dollars, incurred by neglect to return his account in time prescribed by law, as auctioneer of the county of Wayne: *Provided*, That said Alexander H. Stowell shall pay all costs that may have accrued by reason of any prosecution instituted against him for such neglect.

A. H. Stowell.

Proviso

Sec. 3. That Nathan B. Carpenter be, and he is hereby, released from the payment of the penalty of two hundred dollars, incurred by neglect to render his account in time prescribed by law, as auctioneer of the county of Wayne: *Provided*, That the said Nathan B. Carpenter shall pay all costs that may have accrued by reason of any prosecution instituted against him for such neglect.

N. B. Carpenter.

Proviso.

Approved January 21, 1837.

[No. XCII.]

AN ACT to provide for the enlargement of the state library.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the sum of two thousand dollars be, and the same is hereby, appropriated out of any moneys in the treasury not otherwise appropriated, for the enlargement of the state library.

Enlargement
state library.

Sec. 2. There shall be paid out of the treasury in each and every year, for five years, (after the present year,) the sum of

Yearly sum.

one thousand dollars, for the gradual enlargement of the said library.

Gov
ernor,
president
senate, speak-
er H. R. to
expend.

Statement.

Sec. 3. The money so appropriated shall be drawn from the treasury by the governor of the state, upon the warrant of the auditor general, and shall be by the governor, the president of the senate and speaker of the house of representatives, expended for the purposes aforesaid; and a statement of the manner in which such moneys have been expended, shall be annually laid before the legislature.

Approved March 21, 1837.

[No. XCIII.]

AN ACT to provide for taking the census.

Township
collectors.

Time of tak-
ing enumer-
ation.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the collectors chosen in the several townships, at the next township meeting, shall be required to go to each house in their townships and take an enumeration of all the inhabitants (excepting Indians not taxed) residing therein on the second Monday of October, one thousand eight hundred and thirty-seven; the said enumeration shall be taken between the second Monday of October and the first Monday of November next.

Males and fe-
males.

Deaf and
dumb.

Ages.

Colored per-
sons.

Grist mills.
Manufac-
tories.

Time of
transmitting
list to county
clerk.

Sec. 2. The names of all the males, over the age of twenty-one years, shall be entered on the list. The list shall also distinguish the number of males and females; the number of deaf and dumb persons; those under ten years of age; those of ten and under twenty-one; those of twenty-one and under forty-five; those of forty-five and under seventy-five; and those over seventy-five; and the number of all colored persons; also of all grist and saw mills; all carding machines and cloth dressing shops; glass manufactories; paper mills; distilleries, and merchants.

Sec. 3. It shall be the duty of the township collector, in each township, on or before the fifteenth day of November next, to embody said list, so as to show the aggregate number of each class, and to forward the same to the clerk's office of the county; and also township clerks, in such counties as are attached for judicial purposes to other counties, shall be conveyed by the time aforesaid, to the clerk's office in the county to which they are so attached.

Sec. 4. It shall be the duty of the county clerks, on the first Monday of December next, to consolidate the returns from the several townships, and make duplicate copies of them, one of which they shall seal and send by mail to the secretary of state, and the other he shall file in his office.

Time for county clerk to forward consolidated returns to secretary of state.

Sec. 5. The secretary of state shall be required to procure and send forthwith to the several county clerks such number of blank lists as in his opinion will be equal to four times the number of townships in each county, for the use of the collectors.

Secretary of state to transmit blank lists to county clerk.

Sec. 6. Any collector or county clerk failing to perform the duties prescribed by this act, shall forfeit the sum of fifty dollars, to be recovered by action of debt, in the name of the people of the state of Michigan, for the use of the county where such failure shall occur.

Collector, county clerk, penalty for neglect.

Sec. 7. It shall be the duty of the prosecuting attorney, in each county, to prosecute for all liabilities under this act.

Duty of prosecuting attorney.

Sec. 8. The township collector shall be allowed ten cents per mile, for transmitting the list to the county clerk's office, which shall be audited and paid by the board of supervisors, from the county treasury, and shall receive at the rate of one dollar for every one hundred persons returned, and such further sum as they may deem just: *Provided*, It shall not exceed one dollar for every one hundred names, when the list shall contain two thousand names taken from one place or city.

Compensation of collector.

Proviso.

Sec. 9. Before any collector shall be entitled to receive any compensation for his services, he shall take the following oath or affirmation, before some person authorized to administer oaths, to wit: "I do solemnly swear (or affirm) that the number of persons set forth in the returns made by me, have been ascertained by actual inquiry at the dwelling-house or personal inquiry of the head of every family, and that the return is correct and true according to the best of my knowledge and belief."

Oath or affirmation.

Approved March 21, 1837.

[No. XCIV.]

AN ACT to incorporate the "Michigan Mutual Fire Insurance Company."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Mark Norris, Silas Finch, E. W. Morgan, Alanson Crossman, Caleb N. Ormsby, William R. Thompson, Justus Burdick, Stillman Blanchard, Jacob Beeson, Addison J. Comstock, George B. Cooper, Sidney Ketchum, Origen D. Richardson, John Stockton, Austin E. Wing, Horace A. Noyes, and Norman Davison, and all other persons who may hereafter become members of said company, in the manner herein prescribed, be, and are hereby, incorporated and made a body politic, by the name of "Michigan state mutual fire insurance company," for the purpose of insuring their respective dwelling-houses, stores, shops and other buildings, household furniture and merchandise, against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means, excepting that of design in the assured, or by the invasion of an enemy, or insurrection of the citizens of this or any other of the United States; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of record, or any other having jurisdiction whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and the same may sell and convey at pleasure; may make, establish and put in execution, such by-laws, ordinances and resolutions, not being contrary to the laws of the state, as may be necessary or convenient for their regulation and government, and for the management of their affairs; and do and execute all such things and acts as may be necessary to carry into full effect the purposes intended by this grant.

Body corporate.

Objects, privileges, &c.

Individuals bound by act.

Sec. 2. That all and every person and persons who shall at any time become interested in said company, by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein as hereinafter provided, shall be deemed and taken to be members thereof, for and during the term specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act.

Sec. 3. That there shall be a meeting of said company at Ann Arbor, in the county of Washtenaw, on the sixth day of June, annually, or on such other day as the said company may hereafter determine, notice of which shall be given by the secretary, or on his failure, by the president or either of the directors, stating the time, place and design of said meeting, by publication three weeks successively, in at least three newspapers printed within this state, only one of which shall be in the same county; the last of which publications shall be at least ten days previous to the time of holding said meeting, at which meeting shall be chosen, by a majority of the votes of the members present, a board of directors consisting of not more than nine nor less than five members, who shall continue in office until others shall have been chosen and accepted the trust in their stead. All vacancies happening in said board may be filled by the remaining members until the next annual meeting, and a majority of the whole number shall constitute a quorum for the transaction of business; special meetings of the company may be called by the directors, or in such other manner as the by-laws thereof may have prescribed.

Annual meeting.

Notice.

Directors.

Sec. 4. That the board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and of all matters and things thereunto relating, and not otherwise provided for by said company. They shall have power from time to time to appoint a secretary, treasurer, and other officers, agents and assistants as to them may seem necessary, and prescribe their duties, fix their compensation, take such security from them as they may deem necessary for the faithful performance of their respective duties, and them remove at pleasure. They shall determine the rate of insurance; the sum to be insured on any building; and the sum to be deposited for the insurance thereof. They shall order and direct the making and issuing of all policies of insurance, the providing of books, stationery and other things necessary for the office of said company, and for carrying on the affairs thereof, and may draw upon the treasurer for the payment of all losses which may have happened and expenses incurred in transacting the concerns of said company; they shall elect one of their number to act as president, and may hold their meetings monthly, and oftener if necessary for transacting the business of the company, and shall keep a record of their proceedings, and any director disagreeing with a

Powers of directors.

President.

majority of the board at any meeting, may enter his dissent with his reasons therefor on record.

Manner of
insurance,
&c.

Sec. 5. That every person who shall become a member of said company by effecting insurance therein, shall, before he receives his policy, deposite his promissory note for such a sum of money as shall be determined by the directors, a part not exceeding five per cent. of which said note shall be immediately paid, for the purpose of discharging the incidental expenses of the institution, and the remainder of said deposite note shall be payable in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses or other expenses; and at the time of the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the signer thereof, his agent or attorney.

Members to
pay propor-
tion of loss.

Sec. 6. That every member of said company shall be, and hereby is, bound and obliged to pay his portion of losses and expenses happening or accruing in and to said company; and all buildings insured by and with said company, together with the right, title and interest of the insured to the lands on which they stand, shall be pledged to said company, and the company shall have a lien thereon against the insured during the continuance of his, her or their policies: *Provided, however,* That the company shall cause a certificate of such policy, stating the date, term of years, and lien on said estate, in such form as shall be provided by the directors, to be recorded in the office of the register of deeds, in the county in which said land lies, or said lien shall not be construed to affect the right of a subsequent purchaser of said real estate.

Lien.

Proviso.

Notice of loss
by fire.

Sec. 7. That in case of any loss or damage by fire happening to any member, upon property insured in and with said company, the said member shall give notice thereof in writing to the directors or some one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened; and the directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage, within sixty days after they shall be notified as aforesaid; and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may

Amount of
loss.

Referees.

bring an action against said company for loss or damage, at the next court to be holden in and for the county of Washtenaw, or in the county in which said party may reside, or in which said loss or damage by fire may have happened, and not afterwards unless said court shall be holden within sixty days after said determination, but if holden within that time, then at the next court holden in said county thereafter; and if upon trial of said action a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened and costs of suit; but if no more shall be recovered than the amount aforesaid, the plaintiff shall pay all costs.

Action a-
gainst com-
pany, &c.

Sec. 8. That the directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member, shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days after the publication of said notice; and if any member shall for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him, or them, as his, her or their proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his, her or their deposit note or notes, with costs of suit, and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may hereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand after thirty days from the expiration of the term for which assurance was made.

Apportion-
ment of loss.

Notice.

Suit.

Sec. 9. That if it shall ever so happen that the whole amount of deposit notes should be insufficient to pay the loss occasioned by any one fire or fires, in such case sufferers insured by said company shall receive towards making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured, and in addi-

In case cap-
ital insuffi-
cient, divi-
dends to be
paid to loss
&c.

tion thereto a sum to be assessed on all the members of said company, not exceeding fifty cents on every hundred dollars by them respectively insured; and the said members shall never be required to pay for any loss occasioned by fire, at any one time more than fifty cents on each hundred dollars insured in said company, in addition to the amount of his deposit note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member, upon the payment of the whole of his note and surrendering his policy before any subsequent loss or expense has occurred, may be discharged from said company.

Rates and
terms of in-
surance, &c.

Sec. 10. That the said company may make insurance for any term not exceeding ten years; and any policy of insurance insured by said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding on said company, in all cases where the assured has a title in fee simple unincumbered to the building or buildings insured, and to the land covered by the same; but if the assured have a less estate therein, or if the premises be incumbered, the policy shall be void, unless the true title of the assured and the incumbrances of the premises be expressed therein and in the application therefor.

Losses to be
settled with-
in three
months.

Sec. 11. That the directors shall settle and pay all losses within three months after they shall have been notified as aforesaid; but no allowance is to be made in estimating damages in any case for gilding, historical or landscape painting, stucco or carved work.

In case of
sale, policy
to be void.

Sec. 12. That when any house or other building shall be alienated by sale or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company to be cancelled; and upon such surrender the assured shall be entitled to receive his, her or their deposit note, upon the payment of his, her or their proportion of all losses and expenses that have accrued prior to such surrender: *Provided, however,* That the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him, her or them, for his, her or their own proper use and benefit, upon application to the directors, and with their consent within thirty days next after such alienation, on giving proper security to the satisfaction of the said directors for such portion of the deposit or premium note as shall remain unpaid; and by such ratification or confirmation, the party causing the same shall be entitled to all the rights and

Proviso.

privileges, and subject to all the liabilities to which the original party insured was entitled and subjected under this act.

Sec. 13. That if any alteration should be made in any house or building by the proprietor thereof, after insurance has been made thereon with said company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, then and in every such case the insurance upon such house or building shall be void, unless an additional premium and deposite, after such alteration, be settled with and paid to the directors; but no alteration or repairs in buildings not increasing such risk or hazard, shall in any wise affect insurance previously made therein.

Insurance void in certain other cases.

Sec. 14. That in case any building or buildings situated on leased lands and insured by said company be destroyed by fire, in such case the directors may retain the amount of the premium note given for insurance thereof, until the time for which insurance was made shall have expired; and at the expiration thereof, the assured shall have the right to demand and receive such part of said retained sum or sums as have not been expended in losses and assessments.

Directors to retain premium note in certain cases.

Sec. 15. That if insurance on any house or building shall be and subsist in said company or in any other office, or from or by any other person or persons at the same time, the insurance made in and by said company shall be deemed and become void; unless such double insurance subsists with the consent of the directors, signified by endorsement on the back of the policy, signed by the president and directors.

Case of double insurance

Sec. 16. That the said Mark Norris, Silas Finch, E. W. Morgan, Alanson Crossman, Caleb N. Ormsby, William R. Thompson, Justin Burdick, Stillman Blanchard, Jacob Beeson, Addison J. Comstock, George B. Cooper, Sidney Ketchum, Origen D. Richardson, John Stockton, Austin E. Wing, Horace A. Noyes and Norman Davison, or either two of them, may call the first meeting of the members of said company at any suitable time and place in Ann Arbor aforesaid, by advertising in either of the newspapers printed in said town, giving at least ten days' notice of the time and place and design of said meeting, for the purpose of choosing the first board of directors; of making and establishing by-laws, and of transacting any business necessary and

First meeting.

proper to carry into effect the provisions and intentions of this act: *Provided, however,* That no policy shall be issued by said company until application shall be made for insurance in at least fifty thousand dollars.

Transfer
Kalamazoo
mutual in-
surance com-
pany.

Proviso.

Sec. 17. It shall and may be lawful for said association to receive all the books, papers and policies of the Kalamazoo mutual fire insurance company, and assure all risks and responsibilities which have been assumed by said company: *Provided,* The said Kalamazoo fire insurance company shall give notice to this association of their intention to surrender up their books, papers and policies within one year from the passage of this act.

Duration of
act.

Sec. 18. This act shall remain in force for the full term of twenty years, unless sooner altered, amended or repealed by the legislature.

Directors to
give bonds to
state treas-
urer.

Sec. 19. That each and every one of the directors of said company shall, before he enters on the duties of his office, give bonds to the treasurer of this state in the sum of twenty thousand dollars, with good and sufficient surety or sureties to the satisfaction of the said treasurer, conditioned for the faithful discharge of the duties of his office, agreeably to the regulations, requirements and restrictions of this act; and on the complaint of any person who has been injured by the misconduct of any director, it shall be the duty of said treasurer to cause the said bond to be put in suit on receiving security to indemnify the state against costs, and to certify to the court who is prosecutor in such cause, and said court may, on motion of the defendants in said cause, order the prosecutor to find sureties to indemnify the defendants for their costs, should he fail to prosecute or recover thereon; and if the defendants shall plead performance of the conditions of said bond, the prosecutor may reply as many breaches respecting his interest as he shall think fit, and the jury on trial of such issues as shall be put to them, shall assess damages for such breaches as the prosecutor shall prove, and the court shall enter up judgment for the whole penalty of the bond, and issue execution in favor of the prosecutor for such a sum as the jury shall have found for damages and the costs; and the judgment shall remain for the benefit of such person or persons as may by a *scire facias* thereon show that they have been injured by any breaches of the condition of said bond; and if the prosecutor shall fail to recover in such suit,

Treasurer to
sue on bond.

Jury.

Assessment
and collec-
tion of dam-
ages.

the court shall award costs to the defendant, and thereof issue execution against such prosecutor.

Approved March 21, 1837.

[No. XCVI.]

AN ACT to incorporate the Ladies' orphan association of the city of Detroit.

Whereas, by a petition presented to the legislature from a ^{Preamble.} number of ladies in the city of Detroit, it is represented that they, together with their associates, have formed a society for the very humane, charitable and laudable purpose of protecting, relieving and instructing orphan children in said city, and have prayed to be incorporated. Therefore,

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all such persons of the ^{Body corporate.} female sex as now are or hereafter shall become annual subscribers to the amount of not less than one dollar per annum to the said association, shall be, and they are hereby, constituted a body corporate and politic, in fact and in name, by the name of "The ladies' orphan association of Detroit," and by that name shall have perpetual succession; and be in law capable of suing and being sued, defending and being defended, in all courts and places and in all manner of actions and causes whatsoever, and may have a common seal and change the same at pleasure; and shall by that name and style be capable in law of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided,* That their investments in real estate shall ^{Proviso.} never exceed in value one hundred thousand dollars, nor be made for any other purposes than those for which this incorporation is formed.

Sec. 2. That the estate and concerns of the said corporation shall be managed, directed and disposed of by a board of managers ^{Board of managers chosen yearly.} to be composed of thirteen members, from whom shall be chosen a first, second and third directress, a treasurer and secretary, and two auditors of accounts, to be elected by a plurality of ballots of the members resident in the city of Detroit, being annual subscribers as aforesaid and present at such elections, yearly, on the second Thursday in June, at such place in the

said city and at such time of the day as the board of managers may from time to time, by ordinance or otherwise, appoint, and of which public notice shall be given; and if any vacancy shall be occasioned by the death, resignation, removal or otherwise, of any member of the said board, the same shall be filled for the remainder of the year by such person or persons, being annual subscribers as aforesaid, as the board of managers for the time being, or the majority of them, shall appoint; and until the election on the second Thursday in June next, the said board of managers shall be as follows, to wit: First directress, Catharine W. Trowbridge; second directress, Elizabeth Stuart; third directress, Mary A. W. Palmer; treasurer, Theodocia C. Hastings; secretary, Eliza S. Trowbridge; auditors, Ann Hunt, Jane Stewart; managers, Sarah Macomb, Mary Crocker, Rhoda Goddard, Rosanna Farmer, Mrs. Ambrose, Elizabeth Palmer.

Transaction
of business.

Sec. 3. A majority of the said board shall be requisite to transact business; and in case of the non-attendance of the first directress, or either of the other directresses, the members present may appoint a directress pro tempore.

Officers to
continue un-
til new elec-
tion.

Sec. 4. That if the said annual election shall not be made on the day stated, the said corporation shall not thereby be dissolved; but the members of the said board shall continue in office until a new election, which shall be made at such time and place and after such notice as the board shall prescribe.

Yearly ac-
count of re-
ceipts and
expenditures.

Sec. 5. That the said board of managers shall; at least as often as once a year and at every yearly election, exhibit to the members of the said corporation a faithful account of the receipts and expenditures of the preceding year.

By laws, offi-
cers, &c.

Sec. 6. That the said board may from time to time make by-laws, ordinances and resolutions relative to the management and disposition of the estate and concerns of the said corporation, and the regulation of the persons exercising the offices aforesaid, not contrary to law or equity, and may appoint such other officers, agents and servants as they deem necessary to transact the business of the said corporation, and may designate their duties.

Duration of
act.

Sec. 7. That this act shall continue and be in force until the first day of January, one thousand eight hundred and sixty: *Provided always*, That if the said corporation shall apply any part of their funds to any other purposes than those contemplated by

Proviso.

this act, or shall in any manner violate the provisions thereof, and shall be thereof convicted in due course of law, then the said corporation shall cease and determine, and the estate, real and personal thereof, shall be forfeited to and vested in the people of this state: and the governor is hereby authorized and required, in case of such conviction, to appoint three commissioners to take possession of such property for and on behalf of the people of this state, and to settle all the affairs of said corporation: and said corporation may be dissolved at any time, at a regular meeting of the stockholders, two-thirds in value of the stock being represented therein, and previous notice of such intended dissolution having been given in a public newspaper published in the city of Detroit, for three successive weeks; and all debts which said corporation shall at any time owe shall be and remain a lien upon any and all real estate which may at any time belong to such corporation until the same shall be paid or discharged, and may be enforced in such manner as is or may be provided by law.

Governor in certain cases to appoint three commissioners.

Dissolution of corporation.

Lien.

Sec. 8. That this act be, and is hereby, declared a public act, and that the same be construed in all courts and places benignly and favorably for every humane, charitable and laudable purpose therein contained.

Act made public.

Sec. 9. The legislature shall at any time have the power to alter, amend or repeal this act.

Repeal

Approved March 21, 1837.

[No. XCVII.]

AN ACT for the regulation of internal improvement, and for the appointment of a board of commissioners.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be appointed a board of commissioners on internal improvements, which shall consist of seven members, the governor of the state being ex-officio one of that number and the president of the board.

Board of commissioners, &c.

Sec. 2. The members of said board, except the president thereof, shall be appointed by the governor, by and with the advice and consent of both branches of the legislature; and they

Appointment

shall severally hold their office until the third Tuesday in January next after their election, or until others are appointed in their places; and in case of death or resignation of any of the commissioners during the recess of said legislature, the governor shall fill such vacancy until the meeting of said legislature.

Tenure of office.
Shall have direction of all state improvements.

Sec. 3. Said board of commissioners so elected as aforesaid, are hereby constituted and appointed the supervisors and overseers of public works; the general care and superintendence of all canals, railroads and other improvements to be constructed by the state, shall be vested in and under the direction and control of said board.

Governor call meeting.

Sec. 4. The governor shall, as soon as he may deem it expedient, call a meeting of the members elect, at such time and place as he may designate; and each member shall, before entering upon the duties of his office, take and subscribe to the oath or affirmation prescribed by the constitution of this state.

Oath of office.

Secretary.

Sec. 5. It shall be the duty of the board thus organized to appoint a secretary, who may be removed at pleasure, and whose compensation shall be such as they may deem sufficient and may allow, and which shall be paid out of the fund appropriated for internal improvement.

Record.

Sec. 6. It shall be the duty of said board to keep a complete record of all their proceedings, to be perpetuated, and shall at every annual session of the legislature report the proceedings and condition of all the public works ordered to be constructed, together with the surveys, plans and estimates of the expense of such new works as they may recommend to the patronage and notice of the legislature, with such other important information as they may have it in their power to collect, in relation to the objects committed to their trust and supervision.

Annual report.

New works recommended.

Auditor.

Sec. 7. The board shall at their first meeting after being duly organized as aforesaid, proceed to elect or appoint one of their number, who shall not be an acting commissioner, auditor of accounts; and when such election or appointment shall have been made as aforesaid, the treasurer of the state shall be notified thereof by a certificate under the hand of the president of said board; the said auditor so first elected, shall hold his office until the third Tuesday in January in the year eighteen hundred and thirty-eight, and an election or appointment shall be made annually thereafter and certified to the treasurer as aforesaid.

State treasurer to be certified.

Sec. 8. It shall be the duty of the auditor to examine and regulate all accounts and claims presented to him for adjustment, certified by the acting commissioner on the particular work where the claim or claims shall accrue, and shall certify the balance or amounts due thereon, and such balance or amounts found due as aforesaid, shall be paid to the person or persons entitled to the same by the treasurer of the state, out of the fund appropriated for internal improvement, on the draft of said auditor; and the said auditor shall, whenever directed by the board, lay before them a detailed statement of all accounts by him audited.

Duties of auditor, &c.

Sec. 9. The board shall select or appoint from their number, whenever they shall deem it expedient and the service may require it, acting commissioners, not exceeding three, who shall by and under the authority of the board, take charge of and have the care and supervision of such public works as the board shall assign to them respectively; they shall by and under the direction of said board let out contracts; and they are hereby authorized to enter into, make and execute in behalf of said board any contracts with any person or persons, for excavation, embankments, dams, aqueducts, culverts, bridges, grading and clearing, or for the construction of any work of internal improvement which the board shall be ordered to construct by the legislature; and said commissioners shall not be interested directly or indirectly in any contracts made as aforesaid.

Acting commissioners.

Their duties

Sec. 10. The board shall order and determine the manner and mode of letting contracts, the form of the same and the number of sureties which shall be required of any contractor for his or their performance: *Provided, however,* That no portion of any line of canal or railroad, or other public work, shall be let without giving at least thirty days' notice of the same, and of the time and place, in three or more of the public journals published within the state, of which the state paper shall be one.

Mode of letting contracts.

Notice.

Sec. 11. Every acting commissioner who shall be hereafter appointed, before entering upon the duties of his office, shall enter into a bond to the people of this state, with at least two sufficient sureties, who shall be freeholders, in the penal sum of fifty thousand dollars, conditioned for the faithful discharge of the duties enjoined upon him, or that may hereafter be enjoined upon him by law, and for the faithful accounting of all moneys entrusted to him as such acting commissioner, whenever and as often as he

Acting commissioners to give bond, &c.

may be required so to do by law, or by resolution of the board, which said bond shall be approved of by the auditor general and filed in his office.

Amount in
hands of act-
ing commis-
sioner.

Sec. 12. The board of commissioners, whenever they shall deem it advisable in prosecuting any work, may order any sum of money not exceeding forty thousand dollars to be paid out of the fund for internal improvements into the hands of the acting commissioner who may have charge of such works, to be expended upon the same; and it shall be the duty of every acting commissioner to take duplicate receipts for all sums of money which he may advance and pay to engineers, contractors, agents and all other persons for and on account of public works in progress under their charge respectively; and that whenever any sums of money which shall have been paid to any acting commissioner and remaining unaccounted for, shall amount to forty thousand dollars, it shall not be lawful for the auditor of the board to draw any drafts or order on the treasurer of the state in favor of said commissioner, until he shall have produced an account and vouchers to said auditor, showing the payment and expenditure on the works under his charge, of thirty thousand dollars out of the said sum of forty thousand dollars.

Accounts,
vouchers,
&c.

Rate of tolls.

Toll-houses.

Rules and
regulations.

Sec. 13. The board of internal improvements is hereby authorized and required to establish the rate of tolls, subject however to the direction of the legislature, to be paid on all the articles conveyed on any of the canals or railroads hereafter to be constructed by the state, and to erect all such toll-houses, weighing scales, offices and other edifices, and also to purchase such grounds for the convenience thereof as they may think necessary for the convenience and profitable use of their canals or railroads, and they are hereby authorized from time to time to make all such rules and regulations, in respect to the collection of tolls and the payment thereof, as they may deem expedient.

Agents, en-
gineers, sur-
veyors, &c.

Sec. 14. Said board shall have power to employ such and so many agents, engineers, surveyors, draftsmen, architects and other persons, as in their opinion may be necessary to enable them to fulfil and discharge the duties imposed upon them by this act; and to allow and pay the said agents, engineers, surveyors, draftsmen, architects and other persons for their respective services, such sum or sums as may be adequate and reasonable; and also to contract for and purchase all necessary instruments

for the use of the engineers so employed by them, and for the benefit of the state.

Sec. 15. The said board are hereby empowered to receive any ^{Authority to receive grants, &c.} cessions or grants for the use of the people of this state, from any person or persons, of any lands through which any line of canals or railroad or other public work shall have been located: said board of commissioners and every acting commissioner under their direction, shall be, and they are hereby, vested with all the privileges and powers necessary for the location, construction and ^{Location, construction, &c.} keeping in repair all canals, railroads and other improvements of which they may have charge, and the said board, their agents, or those with whom they may contract for working or repairing any of said works of internal improvements, or any parts thereof, may enter upon, use and excavate any land which may be wanted for the site of the same, or any other purpose which is necessary in the construction or repair of any of said works; every person interested in premises through or over which any canal, railroad or other improvement may be located by and under the direction of the board of commissioners, and claiming damages ^{Claim for damages.} for the same or any other damages arising from such works, shall, within one year after the damages claimed shall have accrued, exhibit to the board of commissioners a statement of his claim in writing, signed by himself, his guardian or agent, specifying the nature and extent of his claim for damages; and every person neglecting or refusing to exhibit such claim within the time pre- ^{Refusal.} scribed, shall be deemed to have surrendered to the people of the state his interest in the premises used for the purpose aforesaid, and in the damages arising as above mentioned; and whenever any claim for damages shall be made within the time and in the manner above specified, the said board of commissioners are hereby authorized to fix, by agreement with the claimant, the ^{Three appraisers.} amount of damages which such claimant shall receive; and if any agreement cannot be made, the claimant shall select one discreet freeholder of the county in which such damages arise, having no interest direct or indirect in the damages claimed, and the said board shall appoint another, and the two thus chosen shall select a third to act with them in appraising the damages so claimed. The appraisers shall, before they enter on the duties of their trust, take the oath prescribed by the constitution of this state before any person authorized to administer oaths; they shall then proceed

to inquire into and assess the damages so claimed, (taking into consideration also the benefit resulting to such claimant) and their determination or that of any two of them as to the amount of damages that shall be paid, shall be conclusive; the appraisers making such determination shall make a certificate thereof under their hands and seals, and the amount of damages so certified shall be paid by the order of the board, from the internal improvement fund in the treasury, to the person appearing by such certificate to be entitled thereto: *Provided, however,* That if the amount of damages in any case shall not exceed the sum offered by the board of commissioners for such damages before the appointment of the appraisers, then the costs of all the proceedings after such offers shall be deducted by the board from the amount of damages certified; but if such amount shall exceed said previous offer, then all such costs shall be paid out of the fund for internal improvement, and every allowance either upon appointment or by agreement shall be entered in the books of the board of commissioners, and whenever the sum shall be allowed for premises appropriated as above mentioned, the entry shall contain apt and sufficient description of the same, the names of the persons interested, and the sums estimated to each for benefit and damages; and the fee simple in the premises so appropriated and described shall be thereby vested in the people of this state forever, each of the appraisers shall be entitled for his services to the sum of three dollars per diem.

Costs.

Pay of appraisers.

Annual meeting.

Transmission of reports.

Settle and account with state treasurer.

Sec. 16. Said board shall meet annually on the first Tuesday in January in each and every year, at the city of Detroit, or at such other place as shall hereafter be designated as the seat of government, or where the legislature meet, and they may, as often as they shall deem it expedient or necessary, meet from time to time at such other place or places as they agree upon; they shall continue in session at their annual meeting until they have made and transmitted all reports appertaining to the condition and progress of all public works in their charge, and shall, as often as they may be thereunto required by resolution of either house, report and give information on any subject or matter connected with public works. They shall also, on or before the first day of February in each and every year, settle and account to the treasurer of the state for all moneys by them received, and the auditor to the board shall as soon thereafter as may be report such

settlement so made to the legislature, detailing sums allowed and paid to acting commissioners, engineers, contractors, agents, &c. employed in the construction of any public works under their supervision. Auditor to report to legislature, &c.

Sec. 17. The legislature shall determine the amount or yearly compensation or salary which shall be allowed for the services of any acting commissioner, until the same shall be otherwise ordered, and the board shall determine the amount of yearly salary or compensation of any and all engineers, agents, servants, &c. appointed and employed by them, and the same shall be allowed and paid out of the fund appropriated for internal improvement. Salary of acting commissioner. Salary of engineers, &c.

Sec. 18. Every member of the board shall be allowed, and the same shall be paid out of the fund aforesaid, for every day he shall have attended the meetings thereof, the same per diem allowance and mileage as is by law allowed the members of the legislature, except those who are acting commissioners, who shall be paid as before specified in the foregoing section. Per diem allowance, mileage.

Approved March 21, 1837.

[No. XCVIII.]

AN ACT to amend the several acts relative to the city of Detroit.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the several acts relative to the city of Detroit shall be so amended, that from and after the passage of this act, the election within the limits of said city shall be held and conducted by judges or inspectors, to be chosen and appointed as hereinafter directed; and no person shall be admitted to vote at any city election for inspectors thereof, or for any other public officers therein, other than the qualified electors, who shall have resided in said city six months preceding such election. Judges and inspectors. Qualified electors.

Sec. 2. The inspectors of election shall be chosen by ballot, on Thursday next preceding the first Monday of April, in each and every year, at such place within the limits of said city as is usual for the freemen thereof to meet for that purpose, public notice of which shall be given by the constable or constables by six or more printed advertisements, affixed at as many of the most noted and public places therein, and to publish the same in one or more Inspectors of election. Notice.

of the newspapers published in said city, at least one week before the said day, and the election shall be opened between nine and ten o'clock in the forenoon by said constable or constables, to be assisted by any three qualified citizens, chosen *viva voce*, by such persons qualified to vote as shall then be present; and the said constable or constables and assistants shall be judges of the qualifications of the electors residing within the limits of said city, who shall offer their votes for inspectors, and shall conduct the election in a fair and impartial manner, and keep the same open until five o'clock in the afternoon, when the poll shall be closed, the number of votes ascertained, and the five citizens having the highest number of votes shall be publicly declared to be the inspectors of election within the limits of the said city for one year ensuing the date of their election, three of whom shall be a quorum to form a board; and the said constables and assistants shall make out duplicate certificates of said election, one of which shall be delivered to each of the inspectors chosen, or left at his usual place of abode by one of the said constables within two days thereafter, and the other duplicate he shall deliver to the city clerk, who shall file and make a matter of record of the same in his office; and if any constable shall neglect or refuse to perform the duties therein required of him, he shall forfeit and pay the sum of fifty dollars, recoverable as other fines and forfeitures are by law, and in case of the neglect, refusal, death or absence from the city of any constable or constables, in which case it shall be lawful for the qualified electors who shall have met at the usual place of holding the election on Thursday preceding the first Monday in April, to choose five citizens *viva voce*, who shall perform all the duties herein required to be done by the constable or constables and their assistants, under the like penalties.

Sec. 3. That in case any vacancy shall occur in the board of said inspectors, by death, absence or otherwise, it shall be lawful for the remaining inspectors to fill such vacancies by the appointment of any citizen residing in said city qualified to vote.

Sec. 4. The said inspectors shall be the judges of all elections within the limits of the city of Detroit; they shall exercise the same powers and duties relative to elections held within the limits of said city, in the same manner as heretofore exercised and performed by the common council of said city.

Approved March 21, 1887.

[No. XCIX.]

AN ACT to increase the compensation of the supervisors of the several townships in this state.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisors of the several townships in this state shall be entitled to and receive two dollars per day for every day's service in attending the county meetings of the board of supervisors of their respective counties, any law to the contrary notwithstanding.

Compensation.

Approved March 21, 1837.

[No. C.]

AN ACT to amend an act entitled "An act to construct dams, and improve the navigation of certain rivers," approved March 24, 1836.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the lock required to be constructed in the second section of the act to which this is amendatory, shall be not less than seventy-five feet in length, and sixteen feet in width, and so much of said second section as requires said lock to be not less than one hundred feet in length and twenty feet in width, be and the same is hereby repealed.

Dimensions of locks.

Approved March 21, 1837.

[No. CI.]

AN ACT to amend an act entitled "An act for the regulation of internal improvements, and for the appointment of a board of commissioners."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of the first section of said act as provides that the governor shall be *ex-officio* one of the board of commissioners and president thereof, be, and the same is hereby, repealed.

Clause respecting governor repealed.

Sec. 2. That the said board of commissioners, at their first meeting, shall appoint one of their number president of said board,

President of board.

who shall hold his office until the first Tuesday of January next, and until a new election for president shall take place, which shall be annually on the first Tuesday of January; and if any vacancy shall occur by death, resignation or otherwise of any president or commissioner, before the year for which he was elected shall have expired, such vacancy for the remainder of the year shall be filled by the governor.

Approved March 21, 1837.

[No. CII.]

AN ACT to amend an act entitled "An act to create a fund for the benefit of creditors of certain moneyed incorporations, and for other purposes."

Salary of
bank com-
missioner.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the passage of this act the salary of the bank commissioner shall be one thousand dollars per annum, payable in the manner prescribed by law.

State treas-
urer to pay
salary.

Sec. 2. The state treasurer is hereby authorized to pay the salary of said commissioner out of the moneys in the treasury not otherwise appropriated, until the first day of January next ensuing, when he shall repay the same to the state treasurer from the bank fund.

Repeal.

Sec. 3. All acts and parts of acts contravening the provisions of this act, be, and the same are hereby, repealed.

Approved March 21, 1837.

[No. CIII.]

AN ACT to regulate general elections.

Secretary of
state to pre-
pare blanks.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be the duty of the secretary of state, on or before the first day of August in each and every year, to cause a suitable number of blank forms of poll books and election returns to be made out (headed and certified as the nature of the case may be,) for the board of inspectors, in each of the several townships within the respective counties of this state: and to transmit a sufficient number of copies to the several sheriffs and county clerks of the respective coun-

Transmit to
sheriff and
county clerk.

ties, whose duty it shall be to cause such copies to be forthwith delivered to each of the township clerks of their respective counties.

Sec. 2. The board of inspectors, previously to the time of opening the election for such township, shall appoint two suitable persons as clerks of said election. Clerks of election.

Sec. 3. Every inspector of an election shall, before such election be opened, be sworn or affirmed, that he will faithfully and impartially do the duties assigned him by law; that he will not knowingly permit any person to vote who is not qualified according to the constitution of this state; nor will knowingly refuse the vote of any qualified elector, or cause any delay to persons offering to vote, more than is necessary to give satisfactory information of the qualifications of such person as a voter; and if no person present is authorized to administer oaths or affirmations, one of the inspectors shall swear or affirm one of the other inspectors; and the inspector so sworn or affirmed, shall swear or affirm the other inspectors, who shall also swear or affirm the clerks of election faithfully and impartially to discharge their duties as clerks of election. Inspectors and clerks sworn.

Sec. 4. It shall be the duty of inspectors of election to attend at the place of holding elections in their townships, on or before nine o'clock of the morning of the day of election; and if no inspector, or a majority necessary to form a quorum, should appear by that time, then the voters of the township present shall appoint, *viva voce*, inspectors to fill every such vacancy, who shall be governed in all things as is herein directed. Inspectors to attend polls, &c.

Sec. 5. All elections shall be opened between the hours of nine and eleven o'clock of the day of election, and continue open until four o'clock in the afternoon of said day; after which hour the inspectors may close the polls at any time when all the voters present have voted, or had an opportunity of voting, but shall not be compelled to wait more than fifteen minutes without a vote until they close the polls, nor shall the polls be kept open after six o'clock. Opening and closing polls.

Sec. 6. Each qualified elector may vote once and no more; Vote. and if any person shall attempt to vote more than once, or to hand in two or more tickets folded together, or having voted in one township, county or district, shall afterwards go into another on the same day or the day following, and vote or attempt to

Penalty, &c. vote, every person so offending shall on conviction thereof be fined in any sum not exceeding two hundred dollars, and shall moreover be rendered incapable of voting or holding any office in this state for the next two years thereafter.

Proclamation. Sec. 7. It shall be the duty of the board of inspectors, before they proceed to receive any votes, to cause it to be proclaimed aloud that the election is opened; and when any person offers to vote, one of the inspectors shall call out his name, and if there be no objection to the qualification of such person as a voter of that

Form of voting. county, he shall receive his ticket, and in the presence of the other inspectors, put the same into a box to be provided for that purpose, when the name of such person whose ticket is received shall be again distinctly repeated by one of the inspectors, in the presence of the clerks, each of whom shall keep a separate list thereof, numbering every name taken down, so that it may be seen at any time whether their lists agree; and if any one of the inspectors or clerks of election shall attempt to pry into or find out the names of any persons on a ticket that is handed in folded, or expose any such vote, he or they so offending shall be liable to the same penalty as contained in the nineteenth section of this act.

List of voters. **Penalty, &c.** **Tickets.** Sec. 8. Every ticket handed in shall contain the name of every candidate such voter intends voting for, either written or printed, or partly written and partly printed, designating the office to which he wishes each to be elected; and if more persons are designated to any office than there are candidates to be elected, such part of the ticket shall not be counted to either of them.

Qualifications tested. Sec. 9. If any difficulty should arise in the course of an election hereafter to be held, in determining on the qualification as a voter of any person wishing to vote, the inspectors of such election are hereby authorized to swear or affirm such person to, answer such questions as may be asked him relating thereto by the inspectors, or any of them, or any elector; and the inspectors of said election shall decide from the examination as to the legality of such vote.

Oath or affirmation. **Canvass of votes.** Sec. 10. When the polls are closed, or on the day following the last day of the election, the inspector shall open the box and commence canvassing the votes, when the tickets shall be taken out carefully one by one, by the inspectors presiding at such election, who shall open them and read aloud the names of each per-

son written or printed thereon, and the office for which every such person is voted for, and shall then hand it to one of the inspectors, who shall repeat the same and hand it to the other inspector, who shall string it on a thread of twine prepared for that purpose; but no inspector or clerk of election shall vote after they begin to count the votes, nor shall they publish a statement of the polls until it is proclaimed by order of the majority of the inspectors that the election is closed.

Sec. 11. As the inspector shall open and read the tickets, each clerk shall carefully mark down the votes each candidate shall receive, in separate columns prepared for that purpose, with the name of such candidates written at the head thereof, and the office he is voted to fill; but if two tickets are found deceitfully folded together, they shall both be rejected.

Clerk to mark votes, &c.

Sec. 12. As soon as the votes shall be read off and counted, the inspectors of the election shall make out a certificate under their hands, stating the number of votes each candidate received, designating the office which he was voted to fill, which number shall be written in words at full length; and the certificates, together with one of the lists of voters and one of the tally papers, shall be put into the hands of one of the inspectors of elections, who shall on the ensuing Thursday deliver the same to the clerk of the circuit court, at the court-house or the place the courts are held of such county, (or in absence to his deputy) who shall in the presence of all the inspectors of election who attend from the different townships, between the hours of twelve and four o'clock, compare the different returns, and the persons having the highest number of votes for all offices to be elected by the voters of that county only, shall be declared duly elected; and the county clerk shall forthwith give them certificates of their election accordingly, and also transmit a certified copy of such certificates to the secretary of state.

Delivered to county clerk. Transmit to secretary of state.

Sec. 13. The county clerk shall also make out in fair hand in words at full length, a certificate of the number of votes each candidate for governor and lieutenant governor received, according to such return; which certificate he shall seal and transmit to the president of the senate, and a certificate of the return of votes for a representative or representatives to congress, shall be forthwith forwarded to the office of the secretary of state. It shall be the duty of the secretary of state, on receiving the returns for repre-

Votes for governor and lieutenant governor.

Sent to president of senate.

Votes for member of congress sent to secretary of state.

Secretary of state to certify to governor. representatives to congress, to compare said returns, and certify to the governor for the time being the person or persons having the highest number of votes duly elected, whose duty it shall be to give such person or persons a certificate of his or their election, attested by the secretary of state.

List of votes, &c., kept by county clerk. Sec. 14. The list of votes, tally papers and certificate of inspectors, which are directed to be forwarded to the clerk at the court-house or place where the courts are held of the county, shall be preserved by said clerk, to be inspected by any person who may wish to examine the same; and the other papers and tickets shall be deposited in the office of the township clerk, to be by him kept for the term of six months for the inspection of any of the voters of the township who may wish to examine them.

Vacancy. Sec. 15. When the seat of any representative to congress, or senator or representative in the state legislature of this state, shall become vacant, the governor for the time being shall issue his writ of elections to the proper sheriff or sheriffs, commanding him or them to proclaim that on a certain day to be designated in said writ, there will be an election held to fill such vacancy, due notice of which proclamation each sheriff shall cause to be published in each of the newspapers printed in said county or district, and also to be posted up in three of the most public places in each and every township in said county or district, at least ten days previous to said election.

Certificate of votes for legislature. Sec. 16. When two or more counties shall be joined together to compose one senatorial or representative district, the county clerks of each county respectively shall on the return day of each election for senator or senators, representative or representatives, make out a certificate of all votes received by each candidate for senator or representative, and deliver the same to the sheriff; and the sheriffs of each county of such senatorial or representative district, shall meet on the Saturday following at the court-house of the oldest county in such district, where they shall compare the several districts, and jointly give the person having the highest number of votes a certificate of his election.

Sheriffs' meeting. Sec. 17. If any person shall use any threats, force or violence to attempt to awe any elector, so as to restrain him from the freedom of choice, or offer any fee or reward in meat, drink or otherwise, in order to persuade any elector to vote contrary to his own mind; or shall on the day of election give any public

Penalty for threats, bribery, &c.

threat, or direct any person to do it on his behalf with a view to obtain any vote or votes for himself or any favorite candidate, every person so offending shall, on conviction thereof by presentment or indictment, be fined in any sum not exceeding five hundred dollars, and shall moreover be rendered incapable of holding any office of profit or honor for the next two years thereafter.

Sec. 18. The sheriff of the county shall provide a sufficient number of ticket boxes at the expense of the county for the several inspectors, to be kept by them and delivered over to their successors, from time to time, Sheriff's to provide ballot boxes.

Sec. 19. If, any sheriff, county clerk, or inspector or clerk of election, shall neglect or refuse to perform the duties enjoined upon him by this act, or having taken upon himself to perform such duties, shall be guilty of fraud and corruption in doing such duties, he or they so offending, neglecting or refusing, shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, together with the costs of suit, by presentment or indictment. Penalty for neglect, &c.

Sec. 20. Each inspector or clerk of elections shall be entitled to receive the sum of one dollar and fifty cents, payable out of the township treasury, for every day he shall be employed in any election in his township. Pay of inspectors.

Sec. 21. The board of supervisors shall allow the inspectors of elections a reasonable compensation for their services rendered as a county or district board, in compliance with the provisions of this act. Pay of county board.

Sec. 22. If any candidate or elector of the proper county shall choose to contest the validity of any election, or the right of any person declared duly elected in any county to his seat in the senate or house of representatives in the state legislature, such person shall give notice in writing to the person whose election he means to contest, or leave a written notice thereof at the house where such person last resided, within ten days after such election, expressing therein the points on which the same is contested; and shall also give notice to the inspectors and clerk of the township or townships where such grounds for contesting the election of any candidate may have arisen, as in case the person proclaimed duly elected; and shall within the same time give notice to the sheriff of the county, who shall thereupon summon the associate judges of the circuit court of the proper county, who shall be severally obliged to attend, under the penalty of fifty dollars Contested election. Notice.

each ; the sheriff shall appoint a place and time for the said judges to meet within the county, which shall be within twenty days after the election ; the said judges shall have power to issue subpoenas, and compel the attendance of witnesses to give evidence under the penalty of fifty dollars, to be levied on each and every delinquent who shall have been duly served with process ; and the said judges so met shall hear, and certify under seal all testimony relative to said contested elections, to the speaker of the house of representatives, or president of the senate, as the case may be, at the next sitting of the legislature.

Witnesses.

Judges.

Testimony to be sent to legislature.

Right to contest an election, &c.

Sec. 23. No person shall contest any election unless he is an elector of the county or district in which such elections shall be held ; nor shall any testimony be received which does not relate to the points specified in the notice ; copies attested and sworn to by the person who delivers or leaves said notices, shall be delivered to the associate judges of the circuit court, at the time of their meeting and previous to their taking any person's testimony.

County clerk to transmit by mail statements of votes to secretary of state.

Sec. 24. It shall be the duty of the clerks of the several counties, within ten days after the returns of the elections of governor, lieutenant governor, and representatives in congress shall have been received into their respective offices, in the presence of some postmaster of their counties, to seal up and transmit by mail to the secretary of state a certified statement of the number of votes given for governor, lieutenant governor and representative in congress, in their counties respectively, taking from such postmaster (if it can be obtained) a certificate, setting forth particularly the time when such statements are deposited in such post-offices, which certificate shall be carefully preserved by such clerks, and remain filed in their respective offices ; and it shall be the further duty of such clerks to seal up and transmit by some senator or representative of the proper senatorial or representative district, to the president of the senate of this state a certified statement of the votes so given as aforesaid for the above named offices, whose duty it shall be to deliver the same to the president of the senate as aforesaid, on or before the second day of the session aforesaid : And it shall be the duty of the said secretary of state, as fast as he may receive the returns aforesaid to give a list thereof to the publisher of the state paper, that the same may be published for the information of the people ; and the postage on said returns shall be paid out of the state treasury.

President of senate.

Secretary of state to publish in state paper.

Postage.

Sec. 25. No person shall contest any election, unless he shall have previously taken an oath before some person duly authorized to administer oaths in this state, that he is a qualified voter of the state of Michigan, that he resides in the proper county or district, and that the charges and specifications, or point on which he means to rely, as set forth in the notice delivered to the person whose election is about to be contested, are true, as he verily believes.

Person contesting election to make oath.

Sec. 26. All general elections for state and county officers and for the purpose of filling such vacancies as may occur, and which the public interest shall not require to be previously filled, shall be held annually on the first Monday in November and on the following day, which shall be conducted and the result certified as in this act directed.

General elections, when held.

Sec. 27. There shall be elected on the first Monday of November next and on the following day, a governor, lieutenant governor, representative to congress, senators and representatives to the state legislature.

Governor, lieutenant governor, member of congress, when elected.

Sec. 28. The supervisors, assessors and township clerks of the several townships within the respective counties of this state, or a majority of them actually in office, shall from time to time be the inspectors of election; and in the event such inspectors, or any of them, should fail to attend at the time of holding the election, in every such case the vacancy shall be filled as directed by the fourth section of this act.

Supervisors, &c. to be inspectors of election.

Sec. 29. All elections in the city of Detroit, for state and county officers, shall be held by the inspectors of election chosen in said city.

City of Detroit, elections.

Approved March 21, 1837.

[No. CIV.]

AN ACT to provide for the disposition of the university and primary school lands, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the superintendent of public instruction shall have the care and disposition of all lands and

Superintendent public instruction to have charge of school lands.

Aa

other property reserved and granted to the state for the purposes of education.

Superintendent
sue for
trespass, &c.

Sec. 2. The said superintendent shall have power, and it is hereby made his duty, to sue for and recover in his name of office, in any court of competent jurisdiction, for all trespasses and wastes committed on said lands and property, either by injuring the same or by cutting, carrying off, or otherwise destroying the timber growing thereon; and also to sue for and recover as aforesaid, in an action of sumpsit, for the use and occupation of all of said lands and property, such sum or sums as may be just, of any person or persons who may have used or occupied the same, either by consent and permission, or by lease from any officer or officers having charge thereof or otherwise.

Counsel in
behalf of
state.

Sec. 3. The attorney general of this state and the prosecuting attorneys of the several counties, are hereby authorized and directed to appear in behalf of the state, and conduct all such suits as they may be instructed and required to do by the superintendent of public instruction.

Moneys col-
lected to be
paid to super-
intendent.

Sec. 4. All moneys collected under the preceding sections, after deducting the cost of such collection, shall be paid into the hands of the superintendent of public instruction, to be accounted for by him in the same manner as other moneys that shall come into his hands by virtue of his office.

Sale of uni-
versity lands.

Sec. 5. The superintendent of public instruction is hereby authorized and empowered to sell at public auction so much of the university lands as shall amount to a sum not exceeding five hundred thousand dollars, and so much of the school lands as will amount to a sum not exceeding one million five hundred thousand dollars, on such terms and under such regulations as are hereinafter prescribed.

Minimum
prices.

Sec. 6. None of the university lands shall be sold at a lower minimum price than twenty dollars per acre, and none of the primary school lands at a lower minimum price than eight dollars per acre.

Terms of
payment,
&c.

Sec. 7. The terms of payment to be one-fourth of the purchase price in cash, the remainder in annual instalments of five per cent., commencing in five years from the time of sale, at an interest of seven per centum, to be paid annually at such place as shall be specified in the instrument of security: *Provided*, That any person who may wish to pay his instalment before the same shall

Proviso.

become due, may do so by giving one year's previous notice to the superintendent of public instruction of his intention to pay.

Sec. 8. Public notice of sale shall be given at least three months before the sale of any lands shall take place ; such notice to set forth the time and place of sale, and be published in the state paper and in one or more papers in the county in which the lands to be sold may be located, or by posting up written notice in three of the most public places in said county.

Notice of sale.

Sec. 9. No land shall be sold except at public auction in the county where such lands are located ; but the time and place of sale shall be under the direction of the superintendent of public instruction.

Lands to be sold at public auction.

Sec. 10. Whenever either the university or school fund will be greatly benefitted by laying off any section or part of a section into town or village lots, the superintendent of public instruction is hereby authorized to do or cause the same to be done; and all such lots shall be sold on the same terms and under the regulations hereinbefore prescribed ; but in all other cases, the said university and school lands shall be sold in such quantities and parcels, not exceeding one hundred and sixty acres, as may in the opinion of the said superintendent of public instruction, most promote the interest of the said university and school fund.

Village plat and lots to be laid out in certain cases.

Sec. 11. On the sale of any lands agreeably to the provisions of this act, the superintendent of public instruction is hereby authorized and directed to make out and deliver to the purchaser or purchasers of said land, a certificate in the name of the people of this state, in his official capacity, and it shall be witnessed by two witnesses; said certificate shall describe the land sold, the consideration paid and to be paid therefor, the time and terms of payment, and the conditions of the forfeiture and re-entry by the state for the non-payment of the purchase money, or interest when it becomes due ; said certificate shall be subject to record in the same manner that deeds of conveyance now are, and shall entitle the said purchaser or purchasers, his or their heirs or assigns, to a patent for the lands so purchased when the terms of the contract shall have been fulfilled ; and the governor of this state shall sign and cause to be issued patents for said land to the purchaser or purchasers, upon the delivery to him of the certificate aforesaid, with the further certificate of the said superintendent that the lands described in said first mentioned certificate had

Superintendent to make and deliver certificates of sale.

Patents to be delivered.

been paid for, and that the terms of the contract of sale had in all things been fulfilled ; and it shall be the duty of said superintendent to take and keep a true copy of all certificates given by him, on the sale of any lands as aforesaid.

Title vested
in state until
patent issued.

Sec. 12. The state shall not be deemed to have divested itself of the title in and to any of said lands until a patent shall issue therefor pursuant to the provisions of this act ; and in case of the non-fulfilment by the purchaser or purchasers of the terms of the contract, in his certificate set forth, the certificate of said purchaser or purchasers shall be void and of no effect, and all the interest of such purchaser to said land claimed by virtue of their said certificates, shall be absolutely void, and the full title to such land and the right to the possession thereof shall revert to the state, and the said superintendent shall take possession thereof, and resell the same pursuant to the provisions of this act.

Certificate
void in cer-
tain cases.

Title revert
to state.

Cases of
forfeiture.

Sec. 13. In all cases where persons holding certificates to said land as aforesaid have forfeited all right and title to the same and the land sold by them, by the non-payment of the purchase money, or non-payment of the terms expressed in his or their certificates according to the provisions of this act, and they or any of them, or persons claiming under them, or any other person or persons without title, shall keep possession of such land after three days written notice shall have been given to such person or persons by said superintendent or his agent to quit possession thereof, such person or persons shall be liable to be dispossessed of said land, in the same manner as if they had forcibly entered upon and detained said land from the possession of this state ; and it shall be the duty of said superintendent of public instruction, in the name of the people of this state, to proceed and obtain possession of said land by an action of forcible entry and detainer, and the proceedings shall be had as near as may be pursuant to an act entitled "An act to prevent forcible entries and detainers," and the act or acts amendatory thereto.

Forcible en-
try and de-
tainer, &c.

Holders of
certificates li-
able to tax.

Sec. 14. All persons holding lands by virtue of certificates as aforesaid, shall be liable to be taxed therefor, in the same manner as if they were the actual owners of said land.

Assistants.

Sec. 15. The superintendent is also hereby authorized to employ such assistants as may be necessary to carry into effect the provisions of this act : *Provided*, That no such assistants be employed but such as shall be approved by the governor ; and such

assistants shall receive for their services a sum not exceeding Pay per diem.
three dollars per diem.

Sec. 16. It shall be the duty of the superintendent on the first Superintendent to make deposits of moneys, &c.
Monday of every month, and at all other times when he shall have
fifty thousand dollars in his hands, to deposit all moneys remain-
ing in his hands on account of the university or school funds in
the deposit bank of this state, and take the receipt of the cashier
thereof for the same; and at the same time he shall transmit to the
secretary of state an account of the lands sold and the names of Account of lands sold to be sent secretary of state.
the persons purchasing the same. The moneys so deposited
shall be loaned to such counties of this state as may apply for a Money loaned to counties.
portion thereof; but no loan to any one county shall exceed the
sum of fifteen thousand dollars, or for a term of time less than ten
years, and that no loan shall be made to any county unless the
faith of the same shall be pledged to pay the interest annually, and
the principal whenever called for after ten years: *And it is fur-*
ther provided, That should a balance of said moneys remain after Balance loaned to individuals.
supplying all counties which may apply for the same, the super-
intendent is hereby authorized to loan the same to individuals, on
bond and mortgage on unincumbered lands, which, exclusive of
buildings, shall be valued at double the amount of the moneys so
loaned: *Provided always,* That no moneys shall be drawn from Provided.
such deposit bank by the said superintendent, until the securi-
ties hereinbefore required by this act, shall be deposited with the
cashier of said bank, to be transmitted by him to the secretary of
state.

Sec. 17. The superintendent of public instruction may lease for Lands not sold may be leased.
a term of years not exceeding three years, the university and pri-
mary schools lands which may not have been sold, and which are
already improved or natural meadows, on such terms as may seem
to him expedient.

Sec. 18. Before commencing the sale of the university and Superintendent to give bonds.
school lands, the superintendent shall give bonds in the sum of one
hundred thousand dollars, with such sureties as shall be approved
by the auditor general and accepted by the treasurer, conditioned
for the faithful discharge of his duties hereinbefore prescribed; it
shall be the further duty of the superintendent,

1. To submit to the legislature an annual report exhibiting the Annual report.
condition of the university and primary school funds; also of the
primary schools and of the university, and all such matters rela-

ting to his office and the public schools as he may think proper to communicate.

Forms for re-
ports of
towns, &c.

2. To prepare suitable forms for making all reports which may be required of the district, township and university boards, and suitable regulations for conducting all proceedings under the laws relating to public instruction, and transmit the same, with such instructions as he may deem proper for the organization and government of the public schools, with such directions as to the course of studies as he may judge advisable, to the several offices intrusted to their management and care.

Appliance
and appor-
tionment of
income.

3. To apply the income of the university fund to the payment of such debts as shall accrue from the operation of the law establishing the university, and apportion the income of the school fund among the several townships and cities of the state, in proportion to the number in each between the age of five and seventeen years.

Annual table
of amounts
for universi-
ty and sever-
al counties.

4. To prepare annually a table of the amount payable to the university, and also the amount in the aggregate payable to the several counties of the state, and present the same to the auditor general, who shall thereupon issue his warrant upon the treasurer of the state for the amount payable to the university and to the several counties, and direct the same to the treasurer of their respective counties.

Notices to
county
clerks.

5. To send written notices to the clerks of the several counties of the amount in the aggregate to be disbursed in their respective counties, and the amount payable to the different townships thereof; such notices to be disposed of by said clerks as directed in the forty-first section of the act to provide for the organization and support of primary schools.

Interest to be
credited to
university
and school
fund.

Sec. 19. The interest accruing from all moneys derived from the sale of the university and primary school lands, shall be paid to the treasurer of the state, and be passed to the credit of the university or primary school fund as the case may be; and it is hereby made the duty of the treasurer of the state, to pay all such moneys to the treasurer of the university and to the treasurers of the several counties, on the warrant of the auditor general.

State treasurer
to pay on
warrant of
auditor gene-
ral.

Salary of su-
perintendent.

Sec. 20. The superintendent shall receive for his services the sum of one thousand five hundred dollars per annum, payable quarterly out of any moneys in the treasury not otherwise appropriated.

Approved March 21, 1837.

[No. CV.]

AN ACT to amend an act entitled "An act to incorporate the Michigan and Huron institute."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That from and after the passage of this act, the Michigan and Huron institute, located at Kalamazoo, shall be, and the same is hereby, known by the name and style of the Kalamazoo literary institute.

Change of name and style.

Sec. 2. The trustees shall faithfully apply all funds by them collected or hereafter collected, according to their best judgment, in erecting suitable buildings; in supporting suitable instructors, officers and agents; in procuring books, maps, charts, globes, philosophical, chemical and other instruments and apparatus, necessary to aid in the promotion of sound learning in said institution.

Trustees to erect buildings, &c.

Sec. 3. The treasurer of said institute and all other agents, when required by the trustees, shall, before entering upon the duties of their office, give bonds for the security of said corporation in such penal sum as the board of trustees shall require.

Treasurer, &c. to give bond.

Sec. 4. All process against said corporation shall be by summons; the service of the same shall be by leaving an attested copy of the same with the treasurer of the corporation, at least thirty days before the return day thereof.

Process by summons.

Service.

Sec. 5. The said institute and departments shall be open to all christian denominations, and the profession of any religious faith shall not be required of those who become students; all persons may, however, be expelled or suspended from the privileges of said institution, whose habits are idle or vicious, or whose moral character is bad.

Religious test, &c. not required.

Expulsion.

Sec. 6. The trustees may receive by gift, grant or donation, for the use and benefit of said corporation, any land, money or materials; and the said corporation may hold estate, real, personal or mixed; not exceeding one hundred and fifty thousand dollars.

Power to receive donations, &c.

Limit.

Sec. 7. It shall be at all times open to the inspection of any committee or other agent appointed by the legislature; and it shall be the duty of the officers of said institute at all times to exhibit to any committee or agent appointed by the legislature, a full and complete statement of the general or particular concerns of the institute.

Statements to legislature, &c.

Power to alter or amend. Sec. 8. It shall be at all times competent for the legislature to alter or amend this act, by a vote of two-thirds of each house.

Repeal of part of original act. Sec. 9. So much of the act to which this is an amendment as contravenes the provisions of this act, is hereby repealed.

Approved March 21, 1837.

[No. CVI.]

AN ACT supplementary to an act entitled "An act for the regulation of internal improvements, and for the appointment of a board of commissioners."

Warrants on treasurer countersigned by auditor general. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the warrants drawn upon the treasurer of this state by the board of commissioners on internal improvement, shall be countersigned by the auditor general of this state.

Approved March 22, 1837.

[No. CVIII.]

AN ACT making appropriations in part for the year one thousand eight hundred and thirty-seven, for the pay of officers and members of the legislature.

Pay of officers and members of legislature. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That a sum not exceeding nineteen thousand dollars shall be, and the same is hereby, appropriated for the pay of officers and members of the senate and house of representatives.

Fiscal agent. Sec. 2. The officers and members of the senate and house of representatives shall be paid by the fiscal agent of the legislature in the same manner as directed by the act entitled "An act making appropriations in part for the year one thousand eight hundred and thirty-six, and fixing the pay of officers and members of the legislature," approved the twenty-eighth day of March, one thousand eight hundred and thirty-six: *Provided*, That the president of the senate and speaker of the house of representatives shall be allowed respectively six dollars per day for each day's attendance during the present session: *And provided further*, That the

Proviso.

door keeper of the house of representatives ; the door keeper and messenger of the senate, including extra services, shall each receive three dollars per day.

Sec. 3. There shall be paid to the reporter of the senate three dollars per day during the time he has been employed. Reporter of senate.

Sec. 4. The fiscal agent of the legislature be, and he is hereby, authorized to receive from the treasurer of the state such sum of money out of the appropriation herein made, as may be sufficient to satisfy the demands in this act provided for. Fiscal agent to receive sufficient sum from treasurer.

Approved March 22, 1837.

[No. CIX.]

AN ACT to incorporate the Gibraltar and Clinton railroad company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Benjamin B. Kercheval, Harry Conant, Ira Payne, Thaddeus Clark, Charles Noble, Thomas Farrington and Alonzo Cressey, be, and they are hereby, appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Gibraltar and Clinton railroad company hereby incorporated ; and they shall cause books to be opened at the villages of Gibraltar and Clinton, for the space of three days in each village, at such time as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice in at least two newspapers printed in this state, of the times of taking subscriptions in said village. Commissioners. Books to be opened. Notice.

Sec. 2. The capital stock of said company shall be four hundred thousand dollars, in shares of fifty dollars each ; and as soon as five hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby, created a body politic and corporate, by the name of " The Gibraltar and Clinton railroad company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal or mixed, so far as the same may be necessary for purposes hereinafter mentioned, and no further ; and in their Capital stock. Body corporate. Privileges, &c.

corporate name may sue and be sued ; may have a common seal which they may alter and renew at pleasure ; and shall have, enjoy and may exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes mentioned in this act.

Railroad
route, &c.

Sec. 3. Said corporation hereby created shall have power to construct a railroad, with a single or double track, from Gibraltar, Wayne county, passing through the village of Lisbon, on or near the line between section number six and seven in the town of London and county of Monroe ; thence westerly to Clinton, in the county of Lenawee, with power to transport, take and carry persons and property upon the same, by the power and force of steam or animals, or of any mechanical or other power or combination of them.

Time limited
for construc-
tion.

Sec. 4. If said corporation shall not within one year commence the construction of said railroad, and shall not within four years from the passage of this act construct, finish and put in operation twenty-five miles in distance of said road, and shall not within six years complete and put in operation the whole of said road, or in the event of the failure of the company to construct the parts of the said railroad within either of the times above specified, then the rights, privileges and powers of said corporation shall be null and void.

Meeting of
subscribers.

Sec. 5. Whenever five hundred shares of the capital stock shall have been subscribed, if within one year from the passage of this act, the commissioners shall call a meeting of the subscribers, at such time and place as they may appoint, by giving thirty days' notice of such meeting in the manner prescribed by the first section of this act ; and at such meeting shall lay the books of subscription before the subscribers present, and thereupon the stockholders may elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company ; and said directors are empowered to elect one of their number president ; and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder to one vote, either by himself in person or by proxy.

Directors.

President.

Annual elec-
tion, &c.

Sec. 6. To continue the succession of president and directors of said company, seven directors shall be chosen annually on the first Monday in June, at such place as may be appointed by the directors ; and if any vacancy shall occur by death, resignation

or otherwise, of any president or director before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company, or a majority of them; the directors of said company shall hold their office until a new election of president and directors; all elections which are by this act, or by the by-laws of the company, to be made upon a particular day, if not made on such day, may be at any time within sixty days thereafter, notice of such meeting being given in the manner prescribed by the preceding section of this act.

Sec. 7. A general meeting of the stockholders of said company shall be held annually, at the time and place appointed for the election of the president and directors; and a meeting may be called at any time intervening said annual meetings, by the said president and directors, or by the stockholders owning not less than one-tenth of the stock, by giving thirty days' public notice of the time of meeting and the place, in the manner hereinbefore prescribed; and when such meeting is called by the stockholders, the particular object of such call shall be stated; and if at any meeting thus called a majority in value of the stockholders are not present, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if within said three days stockholders having a majority of the stock do not attend such meeting, then said meeting shall be dissolved.

Sec. 8. At the regular meeting of the stockholders of said company, it shall be the duty of the president and directors in office the preceding year to exhibit a clear and distinct statement of the affairs of said company; and at any meeting of the stockholders, a majority of those present or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders, a majority in value of all the stockholders in said company may remove from office any president or any of the directors of said company, and elect others in their stead: *Provided*, That notice of such intended removal has been given as required by the seventh section.

Sec. 9. Every president, director, secretary and treasurer of said company, before he acts as such, shall swear or affirm that

he will well and truly discharge the duties of his office, to the best of his skill and judgment.

Appointment
and compen-
sation of en-
gineers, &c.

Sec. 10. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; and the said president and directors, or a majority of them, shall have power to determine the manner of adjusting and settling all accounts against the company; also the manner and evidence of the transfer of the stock of said company; and they shall have power to pass all by-laws that they may deem necessary for carrying into execution all the powers vested in the company hereby incorporated.

By-laws, &c.

Location,
construction,
&c.

Sec. 11. The president and directors of said company shall be, and they are hereby, vested with all the privileges and the power necessary for the location, construction and keeping in repair said railroad, not exceeding one hundred feet in width; and the said president and directors, or their agents, or those with whom they may contract for making the road or any part of it, may enter upon, use and excavate any land which may be wanted for the site of said railroad, or any other purpose which is necessary in the construction or the repair of said road or its works, so soon as the amount of compensation therefor is ascertained and tendered as hereinafter provided.

Materials.

Sec. 12. The president and directors of said company may agree with the owner or owners of any land for earth, timber gravel, stone or other materials, or any articles whatsoever which may be wanted in the construction or repair of said road, or of its works, for the purchase or occupation of the same; and if such materials (not previously taken or appropriated by the proprietor thereof for any particular use) as may be necessary for the repair or construction of said railroad or any of its works be found on any unimproved land adjacent or near the same, and if the parties cannot agree, or if the owner or owners of any of them be a feme covert, under age, non compos mentis, or out of the county in which the property wanted may be, an application may be made to any justice of the peace of said county, who shall thereupon issue his warrant, directed to the sheriff of said county, or if the sheriff be interested, to some disinterested person,

Justice of
peace.

requiring him to summon twelve freeholders in the county, not in any way interested in the matter or related to the parties, to meet on or near the property to be valued, on a day named in the warrant, not less than five nor more than ten days after the issuing of the same; and if at the said time and place any of the persons do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors; and from them each party, his, her or their agent or attorney, or if either be not present, either by agent or in person, the sheriff or summoner for him, her or them, may strike off three jurors, and the remainder shall act as jury of inquest of damages; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the land, materials or property required by said company: and said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall be sent to the clerk of the county, and by him filed in his office, and be confirmed by the circuit court of the county at its next session, if no sufficient cause to the contrary be shown; and when confirmed, the same shall be recorded by the said clerk at the expense of said company; but if set aside, said court may direct another inquisition to be taken in the manner above specified. Said inquisition shall describe the property taken or the bounds of the land required by said company. Such valuation, when paid or tendered to the owner or owners of said property, his, her or their legal representative, shall entitle said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same for a railroad: And if the valuation be not received when tendered, it may any time thereafter be received from the company without cost; and the sheriff or summoner and jurors shall be allowed the ordinary fees for like services, to be taxed by the court.

Jurors.

Appraisal.

County clerk to file in his office.

Circuit court.

Valuation, &c.

Sec. 13. Whenever in the construction of said railroad it shall be necessary to cross or intersect any established road, it shall be the duty of said president and directors to construct the said railroad across such established road in such manner as not to impede the passage or transportation of persons or property along

Railroad crossing other roads.

the same ; or when it shall be necessary to construct it through the land of any individual, it shall be their duty to provide for such individual proper wagonways across said road, from one part of his land to the other.

Wagon-
ways.

Neglect, &c. Sec. 14. If said company shall neglect to provide proper wagonways across said roads as required by this act, it shall be lawful for any individual to sue said company, and he or she shall be entitled to such damages as the court or jury may think him or her entitled to, for such neglect or refusal on the part of said company.

Connection
with turn-
pike or
bridge
company.

Contract.

**Vested
rights.**

**Purchase of
machines,
&c.**

Tolls.

Sec. 15. If it shall be necessary for the said railroad company, in the selection of the route or construction of the road to be by them laid out and constructed, or any part of it, to connect the same with any turnpike road or bridge, made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for said president and directors to contract with any other corporation for the right to use such road or bridge, or for the transfer of any of the corporate or other rights and privileges of such corporation, to the said company hereby incorporated ; and every such other corporation acting under the laws of this state, is hereby authorized to make such contract or transfer, by and through the agency of the person authorized by the respective acts of incorporation to exercise their corporate powers, or by any persons who are, by any law of this state, entrusted with the management and directions of such turnpike road or bridge, or any of the rights and privileges aforesaid. Every contract or transfer made in pursuance of the power and authority herein granted, when executed by the several parties under their respective corporate seals, shall vest in the company hereby incorporated all such rights and privileges, and the right to use and enjoy the same as fully as they are now used and enjoyed by the said corporation in which they are now vested.

Sec. 16. The said president and directors shall have the power to purchase with the funds of the company, and place on any railroad constructed by them under this act, all machines, wagons, carriages or vehicles of any description, which they may deem necessary or proper for the purposes of transportation upon said railroad ; and they shall have power to charge for tolls and transportation all such reasonable sums as shall be established by the by-laws of said company hereby incorporated, subject to be re-

vised and altered by the legislature of this state ; and it shall be lawful for any other company or any other person or persons to transport any passengers, merchandize or property of any description whatever, on said road or any part of it, by complying with the by-laws and regulations of said company, and paying in advance the rate of tolls established by the company or as revised by the legislature ; and the said road, with all its improvements, works and profits, all machinery used on said road for transportation, are hereby vested in said company incorporated by this act ^{Vested right.} and their successors forever ; and the shares of the capital stock of said company shall be considered personal property, and shall ^{Shares personal property.} be transferable agreeably to the by-laws of said company, and subject to be taken on execution agreeably to such laws as are or may hereafter be in force. The right and privilege is hereby reserved to this state, or any company now incorporated or here- ^{Right reserved to state.} after to be incorporated under the authority of this state, to connect with the road hereby provided for any other road leading from the main route to any part or parts of this state : *Provided,* ^{Provide.} That in forming such connexion, no injury shall be done to the works of the company hereby incorporated : *Provided further,* That the said company or companies so connecting may have the free use of said road by paying such a tariff of tolls as may be established by the legislature ; and this incorporation shall be entitled to the same rights and privileges to any and all roads hereafter connected.

Sec. 17. The president and directors shall annually or semi- ^{Dividend.} annually declare and make such dividend as they may deem proper, of the net profits from the resources of said company, deducting the necessary current expenses ; and they shall make such dividend among the stockholders of said company in proportion to their respective shares.

Sec. 18. If any person or persons shall wilfully, knowingly and ^{Wilful and malicious in jury, &c.} maliciously remove a stake, alter, deface or injure in any manner any bench, stake or fixture set by any engineer, superintendent or other person in the employ of said company ; or by any other means injure, impair or destroy any part of the railroad constructed by said company under this act, or destroy any of the necessary works, buildings or machinery of said company, such person or ^{Penalty.} persons so offending shall each of them, for every offence, forfeit and pay to the said company a sum not exceeding three times the

amount of the damages caused by such offence, which may be recovered in the name of the company, by an action of debt in any court having competent jurisdiction in the county wherein the offence shall be committed; and shall also be subject to indictment, and upon conviction of such offence, shall be punished by fine and imprisonment at the discretion of the court: *Provided*, The imprisonment shall not exceed one year.

Proviso.

Right of state to purchase.

Sec. 19. The state shall have the right, at any time after the expiration of fifteen years from the completion of the said railroad, to purchase and hold the same for the use of the state, at a price not exceeding the original cost of the said road, exclusive of the repairs thereof, and fourteen per centum thereon: of which cost an accurate account shall be kept, and submitted annually on the first Monday in January, to the legislature, duly attested by the oath of the officers of said company, and at such other times as the legislature shall require the same:

Annual account to legislature.

Required to transport U. S. mail.

Sec. 20. Said company shall at all times, if required by the post office department, transport the United States mail upon said road, as often as their cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and department, not exceeding the average price paid by said department for the transportation of the mail in post coaches, three times a week, a like distance upon the several post roads in this state: *Provided*, Nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of the mail.

Proviso.

State may subscribe to stock.

Sec. 21. The state shall have the right of subscribing, at any time within two years, any number of shares in the capital stock of said company, not exceeding one thousand; and in such case the legislature may increase the number of shares and stock which said corporation may hold to the amount of the sum or sums which may have been subscribed.

Act made public.

Sec. 22. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by the authority of the state, shall be received as evidence thereof: *Provided, however*, If, at the expiration of the said fifteen years, the said company shall have received twelve per centum per annum upon the original costs of construction, and all other expenses, and upon

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the moneys expended in the repairs of said road and for fixtures, then the state shall have the privilege of purchasing said road and fixtures, at seven per centum on the cost aforesaid.

Sec. 23. Nothing in this act shall be construed to authorize or empower said company to carry on banking business, or to use or employ the funds or any part thereof, or permit the same to be used or employed in the purchasing of stock of any bank, or any other stock for any purpose or in any manner whatsoever, not authorized by this act. Banking business, &c. not allowed.

Sec. 24. The legislature of this state may alter or amend this act by a vote of two-thirds of each house. Right to alter or amend.

Sec. 25. If the state shall hereafter establish a board of commissioners of internal improvement, the said railroad shall be built under their direction, so far as relates to the width of said road, and be so constructed as to conform to and accord with the roads that may hereafter be built by the state : *Provided, however,* That if this legislature shall not appoint said board of commissioners, then this section shall be void. Commissioners of internal improvement. Provision

Sec. 26. Said railroad company shall never be entitled to any damages on account of any similar improvements made by this state that may render its stock less valuable. Not entitled to damages in certain cases.

Approved March 22, 1837.

[No. CX.]

AN ACT granting Thomas Palmer, James McClanan and Daniel Lockwood the right to keep and maintain a ferry across the St. Clair river, at the village of Palmer.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Thomas Palmer, James McClanan and Daniel Lockwood, and their assigns be, and they are hereby, empowered to keep and maintain a ferry or ferries across the St. Clair river, at or near the village of Palmer, in the town and county of St. Clair; and the said privilege is hereby declared to be vested in them or their assigns for and during the term of fifteen years from the first day of May, one thousand eight hundred and thirty-seven. Ferry across St. Clair river. Duration of charter.

Cc

Sec. 2. The said Thomas Palmer, James McClanan and Daniel Lockwood, or their assigns, shall, on or before the expiration of six months from and after the passage of this act, make or cause to be made good and suitable landing places at the point or points where they shall establish a ferry ; and cause to be built a good and sufficient ferry boat or boats, conveniently constructed for safety and for the purposes of transporting passengers, baggage, carriages, horses, cattle and produce, and to be furnished suitable implements or machinery for propelling and so many men as may be required for the safe navigation of the same ; and in case they shall neglect or refuse so to do in the time above specified, then and in that case all the rights and privileges hereby granted shall be null and void.

Landing places.

Ferry boats, &c.

Neglect.

Time of running.

Provided.

Sec. 3. The said boats shall be in readiness to take passengers, teams, carriages, goods, chattels, &c., at all times when it shall be reasonable and safe to cross said river between sun rise and sun down : *Provided, however,* That nothing in this act shall prevent other persons from ferrying across said river, passengers, teams, &c., if said Thomas Palmer, James McClanan and Daniel Lockwood or their assigns, shall neglect or refuse to keep in readiness a suitable number of boats, and properly provided with implements and manned as before specified.

Tolls.

Sec. 4. The said Thomas Palmer, James McClanan and Daniel Lockwood, and their assigns, shall and may be allowed to charge and collect the following tolls : From November first to April first, for each foot passenger, eighteen and three-fourth cents ; for man and horse, fifty-six and one-fourth cents ; for carriage with single horse, passengers and goods, ninety-three and three-fourth cents ; for loaded wagon or cart with two horses, passengers and driver, one dollar and fifty cents ; for empty wagon, or a wagon or a coach carrying passengers only, with two horses, passengers and driver, one dollar and thirty-one and one-fourth cents ; for additional horse, mule or ox, twenty-eight cents ; for horse or mule not rode nor in harness, twenty-eight cents ; for every head of cattle, when there are more than four, twenty-eight cents ; for head of cattle, when there are four or under, fifty-six and one-fourth cents ; for calf under two years old, or sheep, or hog, nine and one-fourth cents : from April first to November first, for each foot passenger, twelve and a half cents ; for man and horse, thirty-seven and one-fourth cents ; for carriage, with single horse,

passengers and goods, sixty-two and a half cents; for loaded wagon or cart with two horses, passengers and driver, one dollar; for empty wagon, or a wagon or a coach carrying passengers only, with two horses, passengers and driver, eighty-seven and a half cents; for additional horse, mule or ox, eighteen and three-fourth cents; for horse and mule not rode nor in harness, eighteen and three-fourth cents; for head of cattle when there are more than four, eighteen and three-fourth cents; for head of cattle, when there are four or under, thirty-seven and a half cents; for calf under two years old, or sheep, or hog, six and a quarter cents.

Sec. 5. If it shall at any time appear to the circuit court of the county of St. Clair, upon sufficient evidence, that the said Thomas Palmer, James McClanan and Daniel Lockwood, or their assigns, have neglected or refused to comply with the directions of this act in keeping the ferry aforesaid, according to the fair intent and meaning thereof, it shall and may be lawful for the said court to adjudge that all the privileges granted to them by this act shall cease and be void: *And provided*, That the said rates of toll shall be subject to be reduced and re-established by the judges of the circuit court of the county of St. Clair, at any regular term thereof, upon the application of any three freeholders of said county; but no such reduction shall take place unless it shall be made to appear to said court that twelve days' notice of such intended application has been given to the proprietors of said ferry, by personal service on a majority of said proprietors, or by publishing the same three successive weeks in some weekly newspaper published in said county.

Circuit court to declare privileges void in certain cases.

Proviso. Respecting altering tolls.

Sec. 6. The legislature may alter, amend or repeal this act by a vote of two-thirds of the legislature, whenever it shall be deemed necessary to promote the public good.

Right to amend or repeal.

Approved March 21, 1837.

[No. CXI.]

AN ACT to incorporate the Detroit and Shiawassee railroad company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Marshall J. Bacon, Silas Titus, Elijah F. Cook, Thomas Curtis, Alfred A. Dwight, Robert

Commissioners.

Warden, junior, and Ely Barnard, be, and they are hereby, appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Detroit and Shiawassee railroad company hereby incorporated; and they shall cause books to be opened at the city of Detroit and in the village of Kensington, in the county of Oakland; and in each place for the space of three days, at such time as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice in at least two newspapers printed in this state of the time of taking subscriptions as aforesaid.

Books open-
ed.

Notice.

Capital
stock.

Body corpo-
rate.

Route of
road, &c.

Limitation
of time.

Sec. 2. The capital stock of said company shall be five hundred thousand dollars, in shares of fifty dollars each; and as soon as five hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby, created a body politic and corporate, by the name of "The Detroit and Shiawassee railroad company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal or mixed, so far as the same may be necessary for purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued; may have a common seal which they may alter and renew at pleasure; and shall have, enjoy and may exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes mentioned in this act.

Sec. 3. Said corporation hereby created shall have power to construct a railroad, with a single or double track, from Detroit, in the county of Wayne, through Farmington, in the county of Oakland; Kensington, in the township of Lyon; the county seat in the county of Livingston; Byron, in the county of Shiawassee, to Shiawassee village, in said county of Shiawassee, with power to transport, take and carry persons and property upon the same, by the power and force of steam and animals, or of any mechanical or other power or combination of them.

Sec. 4. If said corporation shall not within one year commence the construction of said railroad, and shall not within two and an half years from the passage of this act, construct, finish and put in operation twenty-five miles in distance of said road, and shall not within six years complete and put in operation the

whole of said road, or in the event of the failure of the company to construct the parts of the said railroad within either of the times above specified, then the rights, privileges and powers of said corporation shall be null and void as far as it regards the parts of the said road as shall not be finished within the periods limited by this act.

Sec. 5. Whenever five hundred shares of the capital stock shall have been subscribed, if within one year from the passage of this act, the commissioners shall call a meeting of the subscribers at such time and place as they may appoint, by giving thirty days' notice of such meeting in the manner prescribed by the first section of this act; and at such meeting shall lay the books of subscription before the subscribers present, and thereupon the stockholders may elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company; and said directors are empowered to elect one of their number president; and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder to one vote, either by himself in person or by proxy.

Sec. 6. To continue the succession of president and directors of said company, seven directors shall be chosen annually on the first Monday in October, at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company, or a majority of them; the directors of said company shall hold their office until a new election of president and directors; all elections which are by this act or by the by-laws of the company to be made upon a particular day, if not made on such day, may be at any time within sixty days thereafter, notice of such meeting being given in the manner prescribed by the preceding section of this act.

Sec. 7. A general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of the president and directors; and a meeting may be called at any time intervening said annual meetings by the said president and directors, or by the stockholders owning not less than one-tenth of the stock, by giving thirty days' public notice of the time of meeting and the place, in the manner hereinbefore pre-

scribed ; and when such meeting is called by the stockholders, the particular object of such call shall be stated ; and if at any meeting thus called, a majority in value of the stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business ; and if within said three days stockholders having a majority of the stock do not attend such meeting, then said meeting shall be dissolved.

Statement of
affairs.

Sec. 8. At the regular meeting of the stockholders of said company, it shall be the duty of the president and directors in office the preceding year, to exhibit a clear and distinct statement of the affairs of said company ; and at any meeting of the stockholders, a majority of those present or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required ; and at all general meetings of the stockholders, a majority in value of all the stockholders in said company may remove from office any president or any of the directors of said company, and elect others in their stead : *Provided*, That notice of such intended removal has been given as required by the seventh section.

Removal
from office.

Oath of of-
fice.

Sec. 9. Every president, director, secretary and treasurer of said company, before he acts as such, shall swear or affirm that he will well and truly discharge the duties of his office to the best of his skill and judgment.

Appoint-
ment of engi-
neers, &c.

Sec. 10. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure ; and the said president and directors, or a majority of them, shall have power to determine the manner of adjusting and settling all accounts against the company ; also, the manner and evidence of the transfers of the stock of said company ; and they shall have power to pass all by-laws that they may deem necessary for carrying into execution all the power vested in the company hereby incorporated.

Location,
&c.

Sec. 11. The president and directors of said company shall be, and they are hereby, vested with all the privileges and the power necessary for the location, construction and keeping in repair said railroad, not exceeding one hundred feet in width ;

and the said president and directors, or their agents, or those with whom they may contract for making the road or any part of it, may enter upon, use and excavate any land which may be wanted for the site of said railroad, or any other purpose which is necessary in the construction or the repair of said road or its works, so soon as the amount of compensation therefor is ascertained and tendered as hereinafter provided.

Sec. 12. The president and directors of said company may ^{Materials.} agree with the owner or owners of any land, for earth, timber, gravel, stone or other materials, or any articles whatsoever which may be wanted in the construction or repair of said road or of its works, for the purchase or occupation of the same; and if such materials (not previously taken or appropriated by the proprietor thereof for any particular use,) as may be necessary for the repair or construction of said railroad or any of its works, be found in any unimproved land adjacent or near the same; and if the parties cannot agree, or if the owner or owners of any of them be a feme covert, under age, non compos mentis, or out of the county in which the property wanted may be, an application may be made to any justice of the peace of said county, who ^{Justice of peace.} shall thereupon issue his warrant, directed to the sheriff of the said county, or if the sheriff be interested, to some disinterested person, requiring him to summon twelve freeholders in the county not in any way interested in the matter or related to the parties, to meet on or near the property to be valued, on a day named in the warrant, not less than five nor more than ten days after the issuing of the same; and if at the said time and place any of the persons do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a panel ^{Jurors.} of twelve jurors; and from them each party, his, her or their agent or attorney, or if either be not present, either by agent or person, the sheriff or summoner for him, her or them, may strike off three jurors for each party not present, and the remainder shall act as a jury of inquest of damages; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owner or owners will sustain, by the use or occupation of the land, materials or property required by said company; and said jury shall reduce their inquisition to writing,

Appraisal filed with county clerk.

Confirmed by circuit court.

and shall sign and seal the same, and it shall be sent to the clerk of the county, and be by him filed in his office, and be confirmed by the circuit court of the county at its next session, if no sufficient cause to the contrary be shown; and when confirmed, the same shall be recorded by the said clerk at the expense of said company; but if set aside, said court may direct another inquisition to be taken in the manner above specified. Said inquisition shall describe the property taken or the bounds of the land required by said company; such valuation, when paid or tendered to the owner or owners of said property, his, her or their legal representative, shall entitle said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same for a railroad; and if the valuation be not received when tendered, it may at any time thereafter be received from the company without cost; and the sheriff or summoner and jurors shall be allowed the ordinary fees for like services, to be taxed by the court.

Fees, &c.

Cross roads.

Sec. 13. Whenever in the construction of said railroad, it shall be necessary to cross or intersect any established road, it shall be the duty of said president and directors to conduct the said railroad across such established road in such manner as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to construct it through the land of any individual, it shall be their duty to provide for such individual proper wagonways across said road from one part of his land to another.

Wagonways.

Penalty for neglect to make same.

Sec. 14. If said company shall neglect to provide proper wagonways across said roads as required by this act, it shall be lawful for any individual to sue said company; and he or she shall be entitled to such damages as the court or jury may think him or her entitled to, for such neglect or refusal on the part of said company.

Use of other roads and bridges.

Sec. 15. If it shall be necessary for the said railroad company in the selection of the route or construction of the road to be by them laid out and constructed, or any part of it, to connect the same with any turnpike road or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for said president and directors to contract with any other corporation for the right to use such road or bridge, or for the transfer of any of the corporate or other rights and privi-

leges of such corporation, to the said company hereby incorporated; and every such other corporation, acting under the laws of this state, is hereby authorized to make such contract or transfer, by and through the agency of the person authorized by the respective acts of incorporation to exercise their corporate powers, or by any persons who are by any law of this state intrusted with the management and direction of such turnpike road or bridge, or any of the rights and privileges aforesaid. Every contract or transfer made in pursuance of the power and authority herein granted, when executed by the several parties under their respective corporate seal, shall vest in the company hereby incorporated all such rights and privileges, and the rights to use and enjoy the same, as fully as they are now used and enjoyed by the said corporation in which they are now vested.

Sec. 16. The said president and directors shall have the power to purchase with the funds of the company, and place on any railroad constructed by them under this act, all machines, wagons, carriages or vehicles of any description which they may deem necessary or proper for the purpose of transportation upon said railroad, and they shall have power to charge for tolls and transportation all such reasonable sums as shall be established by the by-laws of said company hereby incorporated, subject to be revised and altered by the legislature of this state; and it shall be lawful for any other company or any other person or persons, to transport any passengers, merchandize or property of any description whatever on said road or any part of it, by complying with the by-laws and regulations of said company and paying in advance the rate of tolls established by the company, or as revised by the legislature; and the said road with all its improvements, works and profits, all machinery used on said road for transportation, are hereby vested in said company incorporated by this act, and their successors forever; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable agreeably to the by-laws of said company, and subject to be taken in execution agreeably to such laws as are now or may hereafter be in force. The right and privilege is hereby reserved to this state or any company now incorporated or hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for any other road leading from the main route to any part or parts of

Purchase of machinery.

Tolls.

Other companies may use road.

Shares personal estate.

Reservation.

this state : *Provided*, That in forming such connexion, no injury shall be done to the works of the company hereby incorporated : *Provided further*, That the said company or companies so connecting may have the free use of said road, by paying such a tariff of tolls as may be established by the legislature ; and this incorporation shall be entitled to the same rights and privileges to any and all roads hereafter connected.

Dividends.

Sec. 17. The president and directors shall annually or semi-annually declare and make such dividend as they may deem proper of the net profits from the resources of said company, deducting the necessary current expenses, and they shall make such dividend among the stockholders of said company in proportion to their respective shares.

Penalty for
injuring
road.

Sec. 18. If any person or persons shall wilfully, knowingly and maliciously remove a stake, alter, deface or injure in any manner any bench, stake or fixture set by any engineer, superintendent or other person in the employ of said company, or by any other means injure, impair or destroy any part of the railroad constructed by said company under this act, or destroy any of the necessary works, buildings or machinery of said company, such person or persons so offending shall each of them, for every offence, forfeit and pay to the said company a sum not exceeding three times the amount of the damages caused by such offence, which may be recovered in the name of the company by an action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed ; and shall also be subject to indictment, and upon conviction of such offence, shall be punished by fine and imprisonment at the discretion of the court : *Provided*, The imprisonment shall not exceed one year.

Right of state
to purchase.

Sec. 19. The state shall have the right at any time after the expiration of five years from the completion of the said railroad, to purchase and hold the same for the use of the state, at a price not exceeding the original cost of the said road, exclusive of the repairs thereof and fourteen per centum thereon, of which cost an accurate account shall be kept, and submitted annually on the first Monday in January to the legislature, duly attested by the oath of the officers of said company, and at such other times as the legislature shall require the same.

Reports to le-
gislation.

Transport of
U. S. mail.

Sec. 20. Said company shall at all times, if required by the post office department, transport the United States mail upon

said road as often as their cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and department, not exceeding the average price paid by said department for the transportation of the mail in post coaches, three times a week, a like distance upon the several post roads in this state : *Provided*, Nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of the mail.

Sec. 21. The state shall have the right of subscribing at the times and places mentioned in the first section of this act, any number of shares in the capital stock of said company, not exceeding one thousand, and in such case the legislature shall, if requested by the stockholders, increase the number of shares and stock which said corporation may hold to the amount of the sum or sums which may have been subscribed. State may take stock.

Sec. 22. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by the authority of the state, shall be received as evidence thereof. Public act.

Sec. 23. Nothing in this act shall be construed to authorize or empower said company to carry on banking business, or to use or employ the funds or any part thereof, or permit the same to be used or employed in the purchase of stock of any bank or any other stock for any purpose or in any manner whatsoever not authorized by this act. Unlawful use of funds.

Sec. 24. The legislature of this state may alter or amend this act by a vote of two-thirds of each house. Power to alter or amend.

Sec. 25. If the state shall hereafter establish a board of commissioners of internal improvement, the said railroad shall be built under their direction so far as relates to the width of said road, and be so constructed as to conform to and accord with the roads that may be built hereafter by the state : *Provided, however*, That if this legislature shall not appoint said board of commissioners, then this section shall be void. Contingent construction of road by state commissioners.

Sec. 26. One dollar on each share shall be paid in on each share subscribed at the time of subscription. Amount paid on subscription.

Sec. 27. Said railroad company shall never be entitled to any damages on any similar improvements made by this state that may render its stock less valuable. Damages for other improvements.

Approved March 22, 1837.

[No. CXII.]

AN ACT to extend Fort street in the city of Detroit until it intersects the road leading from the Detroit river to Dearbornville.

Governor authorized to extend road.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor is hereby authorized and directed to extend the said road leading from the city of Detroit to the "Baker farm," so called, in the township of Springwells, where said street or road terminates, and to continue and extend said road on the same course south sixty degrees west, as near as may be, until it shall intersect the road leading from the river Detroit to Dearbornville; and the damages attending the location and opening and constructing the said road shall be paid by the said county of Wayne.

Damages.

Governor to appoint commissioners to locate road.

Sec. 2. The governor shall appoint three disinterested commissioners to locate said road on the continuance of said Fort street as aforesaid, on the most eligible route, agreeably to the provisions of the preceding section of this act; and if any owner or proprietor shall object to the passage or opening of said road through his or her ground, then the said commissioners or the majority of them present, being first sworn truly and impartially to assess the damages that he or she will sustain, shall proceed to view the grounds and to take into consideration how much less valuable the property of such objector will be rendered by the opening of said road or avenue; and the damages so assessed, if any, the commissioners shall report to the governor. After such report of no damages, or after payment or tender of such damages as may have been assessed, said street or road so far thus opened, the governor shall declare by proclamation to become and remain a public highway.

Assessment of damages.

Public highway.

Notice.

Sec. 3. The said commissioners shall give thirty days' notice of the time they shall proceed to locate said road, which notice shall be published in one of the daily papers published in the city of Detroit, in order to give an opportunity to all persons interested in the opening and laying out of said road, as in this act directed, to prefer their claim for damages; and the said commissioners shall be entitled to three dollars for every day's attendance in the examining and in the locating of the said road, to be paid by a tax raised and levied by the people of the said county of Wayne.

Pay of commissioners.

Approved March 22, 1837.

[No. CXIII.]

AN ACT to incorporate the Detroit, Plymouth and Ann Arbor turnpike or timber road company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That D. C. McKinstry, C. Ten Eyck, James Bucklin, John Kellogg, Elizer Bennet, Darius Blackman, Jonathan Shearer, Eseck Pray and Dan W. Kellogg, and such persons as may be associated with them for the purpose of constructing a turnpike or timbered road from the city of Detroit, in the county of Wayne, to the village of Ann Arbor, in the county of Washtenaw, and their successors and assigns, for the period of thirty years after the approval of this act, be and are hereby ordained, constituted and declared to be a body corporate and politic, under the name of the Detroit, Plymouth and Ann Arbor turnpike or timbered road company; and by that name, they and their successors for the period aforesaid, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and that they and their successors, by the name aforesaid, shall in law be capable of purchasing and holding any lands, tenements, hereditaments and real and personal estate whatsoever: *Provided*, That it shall be necessary for the construction, preservation or repair of said road, or the erection of toll-gates, and all toll-houses thereon.

Sec. 2. The capital stock of said company shall be one hundred thousand dollars, to consist of and be divided into two thousand shares of fifty dollars each.

Sec. 3. For conducting the business of said company, which shall be the construction of the said turnpike or timbered road from the city of Detroit in Wayne county, to the village of Ann Arbor in the county of Washtenaw, there shall be nine directors, one of whom they shall annually elect their president, who shall hold their offices for one year, or until others shall be appointed in their stead. That David C. McKinstry, Conrad Ten Eyck, James Bucklin, John Kellogg, Elizer Bennett, Darius Blackman, Jonathan Shearer, Eseck Pray and Dan W. Kellogg, be the first

Election. directors, and that D. C. McKinstry be the president for the present year. That the election of directors shall be held on the first Monday in January, at such time and place as the directors shall determine, a notice thereof being first given, by publication in some newspaper printed in the counties of Wayne and Washtenaw; at which meeting each stockholder may vote by person or proxy, each share being entitled to one vote: *Provided*, That this corporation shall not be deemed to be dissolved, by reason that the annual election is not held at the time above mentioned.

Location &c. of road. Sec. 4. The president and directors of said company shall be, and they are hereby, invested with all the privileges and power necessary for the location, construction and keeping in repair said turnpike or timber road, not exceeding one hundred feet in width; and the said president and directors, or their agents, or those with whom they may contract for making said turnpike road, or any part of it, may enter upon and use any land which may be wanted for the site of said road, or any other purpose which is necessary in the construction or repair of said road, so soon as the amount of compensation therefor is ascertained and tendered, as hereinafter provided.

Time of completion. Sec. 5. If said company shall not within two years from the passage of this act complete the road from Detroit to Ten Eyck's, and shall not within three years complete said road from Detroit to Plymouth, and shall not within four years complete the whole of said road in a good workmanlike manner, constructing the same of good hewn timber where the alluvial nature of the soil renders it impracticable to construct a good earth road, then this act shall be null and void.

Materials. Sec. 6. The president and directors of said company may agree with the owner or owners of any land for earth, gravel, timber, stone or other materials, or any articles whatever, which may be wanted in the construction or repair of said road, for the purchase and occupation of the same; and if such materials (not previously taken or appropriated by the proprietor thereof to any particular use) as may be necessary for the construction or repair of said road, be found on any unimproved land, adjoining or near the same; and if the parties cannot agree, or if the owner or owners of any of them be a feme covert, under age, non compos mentis, or out of the county in which the property wanted may be, ap-

plication may be made to any justice of the peace of said county, ^{Justice peace} who shall thereupon issue his warrant, directed to the sheriff of said county, or if the sheriff be interested, to some disinterested person, requiring him to summon twelve freeholders in the county, not in any way interested in the matter or related to the parties, to meet on or near the property or materials to be valued, on a day named in said warrant, not less than five nor more than ten days after issuing the same; and if at the said time and place any of the persons summoned do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a panel of twelve jurors; and from them each party, his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or summoner for him, her or them, may strike off three jurors, and the remainder shall act as a jury of inquest of damages; ^{Assessments, &c.} and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation that they will justly ^{Jurors to be sworn.} and impartially value the damages which the owner or owners will sustain by the use or occupation of the land, materials or property required by the said company: And the said jury shall reduce their inquisition to writing, and shall sign and seal the same; and it shall be sent to the clerk of the county and be by him filed ^{Sent to county clerk.} in his office, and shall be confirmed by the circuit court of said ^{Circuit court.} county at its next session, if no sufficient cause to the contrary be shown, and when confirmed, the same shall be recorded by the said clerk, at the expense of said company; but if set aside, said court may direct another inquisition to be taken in the manner above specified. Said inquisition shall describe the property taken or the bounds of the land required by the said company; such valuation when paid or tendered to the owner or owners of said property, his, her or their legal representatives, shall entitle said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same for a turnpike road: And if the valuation be not received when tendered, it may at any time thereafter be received from the company without cost; and the sheriff or summoner and jurors shall be allowed the ordinary fees for like services, to be taxed by the court.

Completion.

Notice to
governor.

Three free-
holders ap-
pointed to
view road.

Governor li-
cense erec-
tion of toll-
gates, &c.

Toll-gather-
ers.

Rates of toll.

Sec. 7. So soon as the president and directors shall have completed the said road, or ten miles thereof, it shall be lawful for the said president and directors to give notice thereof to the person administering the government of this state for the time being, who shall thereupon forthwith nominate and appoint three discreet freeholders in no ways interested in said road, to view the same, and to report to him in writing whether such part of the road is completed in a workmanlike manner, according to the true intent and meaning of this act; and if the report shall be in affirmation, it shall be the duty of the person administering the government for the time being in this state, and he is hereby required, by license under his hand and the privy seal of this state, to permit the said president and directors to make and erect so many gates and turnpikes upon and across said road as may be necessary and sufficient to collect the duties and tolls hereinafter granted to said corporation, from all persons travelling or using the same: *Provided, however,* That they shall not have on said turnpike from Detroit to Ann Arbor, more than five gates for taking toll.

Sec. 8. So soon as the whole or part of said road shall be completed, and permission so as aforesaid granted to erect a gate or gates upon and across the same, it shall and may be lawful for the said president and directors to appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road, at each and every of such gates, such tolls and duties, to wit: For every score of hogs or sheep, six cents; for every score of cattle, horses and mules, twenty cents; for every wagon with two horses, mules or oxen, ten cents; for every additional horse, mule or ox, three cents; for every coach, pleasure wagon or pleasure carriage, with two horses, fifteen cents; and for every additional horse, five cents; for every chair, sulky or pleasure carriage with one horse, ten cents; and for every additional horse, five cents; for every cart drawn by two oxen, ten cents; and for every additional yoke, three cents; for every horse or mule rode, led or driven, five cents; for every cart drawn by one horse, six cents; for all sleighs or sleds drawn by one or more horses, mules or oxen, nine cents; half the tolls for vehicles on wheels; for every horse or mule and rider, six cents; for every horse or mule led, three cents: And it shall and may be lawful for any toll-gatherer to stop and detain any person rid-

ing, leading or driving any horses, cattle or sheep or other article above named in this section, as subject to pay toll, until the same is paid: *Provided*, That the circuit court of the county of Wayne shall have power at any regular session thereof to reduce and re-establish such rates of toll upon the application of any three freeholders of either of the counties through which said road shall be made: *Provided*, Written notice of such intended application shall be given to the secretary of said corporation at least seven days previous to the sitting of the court to which such application shall be made: *Provided also*, That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate of or from any person passing to or from public worship on Sundays, or going to or returning from funerals, or going to or from a grist-mill for the grinding of grain for the family use, or from any troops in the service of this state or the United States, or for the transportation of any and all the property belonging to the United States or of this state.

Sec. 9. The said corporation shall cause mile stones or posts Mile stones. to be erected and maintained, one for every mile of said road from Detroit to Ann Arbor; and on each stone or post shall be fair and legibly marked or inserted the distance of the said post from Detroit, and shall also erect and maintain guide boards Guide boards. at the intersection of all public roads leading into or intersecting said turnpike, on which shall be inscribed the name of the place to which such road leads; and if any person shall wilfully cut, injure or destroy said mile posts, guide boards or said road itself, or shall forcibly pass the gates without payment of toll, such person or persons shall forfeit and pay for every such offence twenty-five dollars, to be recovered, by the said corporation in their corporate name and for their benefit, in action of debt before any Penalty for deficiency, &c. justice of the peace in the county where said offence is committed, or wheré the offender may be found.

Sec. 10. If any toll-gatherer shall unreasonably delay or hinder Penalty for unlawful detention. any traveller or passenger at either of the said gates, or shall demand or receive more toll than by this act is established, he shall for every such offence forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods, and chattels can be found to satisfy such judgment and

cost, then and in that case the real property shall be liable to the execution issued on said judgment.

Shares personal estate.

Sec. 11. The shares of said turnpike shall be deemed and considered to be personal estate, and shall be transferable as the president and directors may direct.

Road out of repair.

Sec. 12. Whenever complaint shall be made to either of the three commissioners appointed by virtue of this act to examine and review the said turnpike road, that if any part or parts thereof is out of repair, it shall be the duty of such commissioners to repair to such part of said road and view the same; and if the same shall in the opinion of such commissioners be out of repair, then the said commissioners shall give notice in writing of such defect to the toll-gatherer or person attending the gate nearest the place so out of repair; and may also, in their discretion, in the said notice order such gate or gates to be thrown open; and the said gate or gates so ordered to be thrown open, shall immediately after service of such notice as aforesaid, be open and remain open, and no tolls shall be demanded until after the said road is put into complete and perfect repair; and if such keeper of the gate shall not immediately after the receipt of such notice open such gate and keep such open until such repairs are completed, or shall hinder or detain any person or persons in passing said gates, or shall take or demand toll from any person or persons after receiving such notice and until after such repairs are completed as aforesaid, the toll-gatherer or gate-keeper so detaining any person as aforesaid, shall forfeit and pay to said person so detained as aforesaid, the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of the peace in any town where such detention occurred, and the property of said company shall be liable on said judgment: *Provided*, The said toll-gatherer or gate-keeper has no property liable to an execution; and the commissioners appointed under and by virtue of this act, shall receive as a compensation for their services twelve shillings per day for every day they are employed, to be paid by the toll-gatherer of the gate nearest to where the service was rendered out of the moneys collected at such places, and such toll-gatherer shall be liable for the payment thereof.

Gates opened.

Penalty.

Compensation.

Books, dividends, &c.

Sec. 13. The said board of directors shall keep a set of corporate books, open at all times to any or all of the stockholders, in

which shall be entered all the expenditures of said company, and all moneys by them received; that said directors shall make a semi-annual dividend to each and every stockholder of his proportion of the semi-annual profits, after deducting the expenses of making and repairing said road and the fixtures thereto appended.

Sec. 14. The said board of directors have power to establish such by-laws and regulations as may be necessary for the management of the affairs of said company; and may appoint a secretary and treasurer to the board, and generally do all further acts necessary to carry into full force and effect the objects of this incorporation. By laws.

Sec. 15. The state of Michigan be, and is hereby, authorized and empowered at any time hereafter to purchase of said company the turnpike aforesaid, and all the benefits and privileges accruing therefrom to said company: *Provided*, That they shall pay to said company the entire amount of expenditures made by said company in constructing said road, together with the interest on said expenditures at seven per centum per annum. State may purchase.

Sec. 16. The said company shall have authority to construct said road upon the Chicago road as far as Conrad Ten Eyck's, and thence on the territorial or Ann Arbor road, or as near as may be necessary, to Ann Arbor. Power to use certain roads.

Sec. 17. This act shall be favorably construed to effect the purposes thereby intended; and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be received as evidence thereof. Act public.

Sec. 18. It shall be the duty of said company as soon as they shall have completed said road, to put up boards containing the rates of toll at each gate. Boards containing rates of toll.

Sec. 19. The legislature may at any time alter or repeal this charter. Power to alter, &c.

Approved March 22, 1837.

[No. CXIV.]

AN ACT to incorporate the city of Monroe.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of the townships Boundaries of the city.

LAWS OF MICHIGAN.

of Monroe and Frenchtown, in the county of Monroe, as is contained in the following limits, to wit: beginning at a point in the west line of a tract of land confirmed by patent to Sarah Demonds, now the property of James S. Curtis, of the city of New-York, and the east line of a tract confirmed to Jane Fessiere, thirty-seven chains five links from the north border of the river Raisin; and at a point seventeen chains fifty-five links north, twenty degrees east of the point where the continuation of the south side of Noble avenue, in the plat of Monroe, intersects said line, and running thence south seventy degrees east, and at right angles to said line, to the east line of the Alexander Robert's farm, now owned by Austin E. Wing; thence south twenty degrees west, seventy chains ninety-three links, to the river Raisin; thence down stream and across the river to the east line of the Robert farm, now owned by George B. Harleston, on the south border of the river; thence along said line south thirty degrees west, thirty-eight chains fifty-five links, to a point ten hundred and ninety-eight feet south of the point where the continuation of the south side of Sixth-street in the plat of Monroe, intersects said line; thence at right angles to said line, north sixty degrees west, to the west line of the farm known as the Frost farm; thence north twenty-six degrees east, twenty-three chains eleven links, to the south side of La Plaisance bay turnpike; thence on the same course to the south side of the river Raisin; thence up stream and across the river to the west line of said Curtis' land above mentioned; thence north twenty degrees east, thirty-seven chains fifty-five links to the place of beginning, shall be, and the same is hereby, declared to be a city, by the name and style of the "City of Monroe;" and all the freemen of said city, from time to time, being inhabitants thereof, shall be, and continue to be, a body corporate and politic, by the name of the "Mayor, recorder, aldermen and freemen of the city of Monroe," and by that name they and their successors shall be known in law, and shall be, and are hereby, made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of record and any other place whatsoever, and may have a common seal, and may change and alter the same at their pleasure, and by the same name shall be, and are hereby, made capable of purchasing.

Freemen a
body corpo-
rate.

Privileges,
&c.

holding, conveying and disposing of any real and personal estate for the use of the said corporation.

Sec. 2. The inhabitants of said city shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets and highways, and the labor to be performed thereon within the limits thereof. Inhabitants not liable to work roads.

Sec. 3. The said city shall be divided into five wards, as follows: the first ward shall embrace all the district of country west of Monroe street, south of the river Raisin (north and east of the city limits); the second ward shall embrace the district between Monroe and Macomb streets; the third ward, all east of Macomb street; the fourth ward, all west of the east line of the farms of Austin E. Wing and Warner Wing, on which they now reside; and the fifth ward, all east of the farms of the said Austin E. Wing and Warner Wing, on which they now reside: *Provided*, That whenever a street or river is mentioned in this act as a boundary line, the centre of said street or river shall be deemed the said line. Wards.

Sec. 4. There shall be the following officers in and for said city, to wit: one mayor, one recorder, six aldermen, one clerk, one marshal, one treasurer, five assessors, (one in each ward) one collector, one or more street commissioners, one city surveyor, and not less than three nor more than five police constables. Officers.

Sec. 5. The freemen of said city being electors under the constitution of the state of Michigan, shall on the first Monday of March, in every year, (in their respective wards) at such place as the alderman or assessor of their ward shall appoint by a plurality of votes, elect from among the freemen of said city residing in their ward, having the qualifications aforesaid, one alderman, except the second ward, which shall elect two aldermen, one assessor in each ward; and they shall also elect one mayor, one treasurer, one collector, and not less than three nor more than five constables, having the qualifications of electors residing in any part of said city, who shall serve in their respective capacities one year next ensuing the election, and until others are chosen and qualified, unless sooner removed for misconduct by the mayor, recorder and aldermen; which election shall be held in the several wards and superintended by the aldermen and assessors in their respective wards, or in case of their sickness or absence, Annual election of officers.

Manner of
conducting
elections.

Opening of
polls, count-
ing of ballots.

Certificate of
votes filed
with clerk.

Canvass by
common
council.

Ties.

by one or more of the aldermen of other wards ; and all elections, for aldermen, mayor, assessors, treasurer, collector and constables, held in any of the wards of the city, shall be by ballot, and conducted as follows : Every person qualified to vote at any such election and who shall offer himself to vote, shall openly deliver his ballot to one of the officers holding such election, which ballot shall be a paper ticket, containing the name or names of such officer or officers as shall be to be chosen in the ward in which the elector shall reside, and also the names of such officers as are to be chosen in the city at large, or as he may think proper to vote for, designating who is voted for as alderman, and the like for all officers to be chosen at such election ; and the said paper ticket shall be so folded or closed as to conceal the writing or printing thereon, and on the receipt of such ballot the officer holding such election shall, without suffering the same to be opened or inspected, cause the same to be put into a box, to be provided by the common council for that purpose : *And further*, That the poll of such election shall be opened at ten o'clock in the forenoon, and shall continue open until four o'clock in the afternoon of the same day, and no longer ; and that the name of each elector voting at such election, shall be written in a poll list, to be kept at such election by the officer or officers holding the same (in any of the said wards) ; and the said officer or officers shall proceed without delay publicly to open the said ballots, and shall first count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll lists, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess ; and if two or more ballots are found rolled or folded up together, they shall not be estimated, and thereupon the officers holding such election shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the clerk of the said city, before ten o'clock in the forenoon of the next day after said election ; at which last mentioned period, the common council shall proceed to canvass said returns, and shall declare the result of said election ; and in case it shall at any time happen that two or more persons

shall have an equal number of votes, so that no election shall be had, a new election shall be held, of which due public notice shall be given.

Sec. 6. It shall be the duty of the clerk of said city or of the officers holding such election, to give five days' previous public notice in writing, in three public places in each of said wards, and in a public newspaper printed in said city of the time and place of holding all elections, both annual and special, in said wards; and every person offering to vote at any such elections before he shall be permitted to vote, shall, if required by the officers holding such election or by any person qualified to vote thereat, take the following oath: "I do solemnly and sincerely swear (or affirm) that I am a natural born (or naturalized) citizen of the United States, (or that I was a resident of the state of Michigan at the time of the signing of the constitution thereof,) of the age of twenty-one years, according to my best knowledge and belief, and that I have been a resident of the state of Michigan for the six months next preceding this election; and am now a resident in ward, (as the case may be) in the city of Monroe; and that I have not voted before in any ward in the said city at this election." And upon taking such oath, he shall forthwith be permitted to vote; and if any person shall knowingly and wilfully swear falsely in the premises, he shall be deemed guilty of wilful and corrupt perjury, and shall be punished therefor on conviction before any court having jurisdiction thereof: *Perjury.* *Provided, however,* That the first election for officers for said city shall be held at such time and place as may be appointed by the president and trustees of the village of Monroe, within sixty days from the passage of this act, and in the manner prescribed by this act for electing city officers; one of the trustees shall hold the election in each ward in lieu of the aldermen and assessors, as prescribed in this act, and shall canvass the votes and certify the result of the election to the president and trustees, who shall canvass the said certificates and declare the result of said election in the same manner as the common council are required to do by this act; and that the officers to be then either elected or immediately thereafter appointed, shall hold their offices until the next annual election, and until their successors are elected and qualified. *First election.* *Term of office.*

Persons elected to be notified, and take oath of office.

Sec. 7. It shall be the duty of the clerk of said city, so soon as practicable, and within five days thereafter, after the closing of the polls of any election, to notify the officers respectively of their election; and the said officers so elected and notified as aforesaid, shall, within fifteen days after receiving a copy of such notice, take an oath or affirmation faithfully and impartially to execute and discharge the duties of their said offices, a certificate of which shall be filed with the clerk of the said city.

Appointment of recorder, clerk, street commissioners, marshal, surveyor, solicitor.

Sec. 8. The mayor and aldermen elected and sworn as aforesaid, or a majority of them, shall so soon as may be practicable, and before they transact any other business, assemble and appoint from the freemen of said city, one recorder, one clerk, one or more street commissioners, one marshal, one city surveyor and one solicitor, to serve for the ensuing year, who shall severally be notified and qualified as nearly as may be in the same manner as is provided for in the preceding section.

When recorder shall act as mayor.

Sec. 9. In case of the absence or sickness of the mayor or of a vacancy occurring in said office, the recorder shall be, and he is hereby, authorized to do and perform all the duties and trusts appertaining to the office of mayor, until the said mayor resume his duties or another be elected and qualified.

Common council.

Sec. 10. The mayor, recorder and aldermen, when assembled together and duly organized, shall constitute the "Common Council of the city of Monroe," and a majority of the whole (the mayor or recorder always being one) shall be necessary to constitute a quorum for the transaction of business; and the said common council shall be summoned and hold their meetings at such time and place as the mayor, or in case of his sickness or absence, the recorder, may appoint; and the common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the officers or members thereof, at any such meeting, and also to require the attendance of any officer by them appointed and to impose fines for non-attendance.

Time and place of meeting.

Fine for non-attendance of members, &c.

Vacancies, how filled.

Sec. 11. In case of the death, resignation or removal of the mayor or any of the aldermen or other officers which may be elected by the freemen of said city, such death, resignation or removal, shall be announced by the clerk, mayor or recorder, to the members of the common council, who shall convene as soon as may be, and order by a public notice to be given in any of the newspapers printed in said city, that an election will be held

by the freemen of said city, to elect a suitable person or persons to fill such vacancy, which shall be conducted and certified in the same manner as is hereinbefore provided for the election of city officers, which election shall be ordered to be held at any time within thirty and not less than five days after such vacancy shall have occurred.

Sec. 12. The mayor, recorder and aldermen shall have power to remove at pleasure any of the officers by them appointed by virtue of this act, and to fill all vacancies that may happen in any of said offices so often as the same may occur by death, resignation, removal or any other cause; and all officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Power to remove officers and fill vacancies.

Sec. 13. The treasurer, collector and marshal shall respectively before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the duties of the trusts reposed in them as the mayor, recorder and aldermen, in common council convened, shall direct and require.

Security to be given by certain officers.

Sec. 14. The common council shall have full power and authority to organize, maintain and regulate the police of the city; to pass all by-laws and ordinances for that purpose, and relative to the duties, powers and fees of the marshal, street commissioners, city surveyor, solicitor, treasurer, assessors, clerk and constables, or other officers of said city; relative to the time and manner of working upon the streets, lanes and alleys of said city; relative to the manner of assessing, levying and collecting all highway and other taxes in said city: And the said common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said city, and for the abatement of the same, and for the punishment by fine or otherwise of all persons occasioning the same; relative to the cleaning of chimneys and protecting the said city from fire; relative to the manner of warning meetings of the freemen of said city; relative to a city watch; relative to the assize of bread, as to the weight of the loaf; relative to the public lights of lamps of said city; relative to the keeping and sale of gunpowder in said city; relative to the restraining of swine, cattle, horses and other description of animals from running at large in the streets, lanes and alleys, and other public places in the city; to regulate and

Common council may pass laws relative to police.

Fees of officers.

Highway labor and taxes.

Nuisances.

Chimneys. Fire.

City watch. Assize of bread. Lamps.

Gunpowder.

Swine, &c.

**Founda.
Gaming.**

establish one or more pounds for said city ; relative to billiard tables and all other tables kept for hire, gain or reward in said city ; and also full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for preventing and suppressing all disorderly houses and houses of ill-fame ; and also to prohibit the exercise

Health, &c.

of any unwholesome or dangerous avocation in said city ; for the preservation of the salubrity of the waters of the River Raisin, or other stream within the limits of the said city ; relative to the opening of sluices and building all wharves ; relative to the filling up all low grounds or lots covered or partially covered with water ; relative to the embanking of the margin of said river within said limits.

**Further
powers in re-
gard to nul-
sances.**

Sec. 15. The said common council shall have power and authority, and it is hereby made their duty to require and compel the abatement and removal of all nuisances within the limits of said city ; and also for the distance of one-fourth of a mile beyond said limits in any direction, under such regulations as shall be prescribed by ordinance ; to cause all grounds therein, where

Low lands.

water shall at any time become stagnant, to be raised, filled up or drained, and to cause all putrid substances whether animal or vegetable to be removed to the distance of one-fourth of a mile beyond the limits of said city ; and when it may become necessary for the abatement of such nuisances to pull down any building or to fill up or level any grounds, it shall be lawful for the common council to assess the costs or expenses of such filling up

**Cost of re-
moving same
to be assessed.**

or leveling or removing buildings ; and should the owner or occupant, on reasonable notice being had, neglect or refuse to pay the full amount of such assessment, the said common council shall have authority to sell or lease such premises at public auction, for the least number of years that will defray such charge or expense, giving thirty days' previous notice of the time and place of such sale, in some newspaper published in said city, and such sale shall vest a full and legal title to the purchaser for such term as the same may be sold : *Provided, however,* That said costs and expenses or any part thereof may be, at the discretion of the common council, and with the consent of the freemen in legal meeting assembled, paid and provided for by a general assessment upon the property of the whole city.

Sec. 16. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said city and the inhabitants thereof against injuries by fire, thieves, robbers, burglars and other persons violating the public peace; for the suppression of riots and gambling and indecent and disorderly conduct, and for the punishment of the same, and for the punishment of all lewd and lascivious behavior in the streets and other public places in said city, and for the apprehension and punishment of all vagrants, drunkards and idle persons; and they shall have power from time to time to make and publish all such by-laws and ordinances as to them shall seem necessary, to provide for the safety and good government, preserve the health, promote the prosperity and improve the comfort and convenience of said city and of the inhabitants thereof, and to impose fines, forfeitures and penalties on all persons offending against the by-laws and ordinances made as aforesaid.

Powers in re-
gaid to safe-
ty, good go-
vernment,
health, &c.

Sec. 17. The common council shall have power to establish a board of health for said city, to invest it with such powers and impose upon it such duties as shall be necessary to secure said city and the inhabitants thereof from contagious, malignant and infectious diseases, provide for its proper organization and the election or appointment of the necessary officers thereof, and make such by-laws, rules and regulations for its government and support, as shall be required for enforcing the most prompt and efficient performance of its duties, and the lawful exercise of its powers.

Board of
health.

Sec. 18. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with the proper engines and other instruments, as shall be necessary to extinguish fire and preserve the property of the inhabitants of said city from conflagration, and to appoint from among the inhabitants of said city such number of men, willing to accept, as may be deemed proper and necessary, to be employed as firemen: *Provided*, Such number does not exceed forty in the management of each engine; and each fire and hose, and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and government of said company, subject to the approval of the mayor, recorder and aldermen, and may impose and collect such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such

Fire compa-
nies, firemen.

Privileges
and liabilities
of mem-
bers.

company; and every person belonging to such company shall obtain from the clerk of said city a certificate to that effect, which shall be evidence thereof, and the members of any such company during their continuance as such, shall be excused from all duty in the militia in time of peace, and also from serving on any jury in any of the courts in this state; and it shall be the duty of every fire company to keep in good and perfect repair the fire engines, hose, ladders and other instruments of such company; and upon any alarm or breaking out of any fire within said city, each fire company shall forthwith assemble at the place of such fire, with the engines and other implements of each of the said fire companies; and the mayor's court shall have power, upon information, to punish any unnecessary or improper delay in the arrival of any fire engine, hose, hooks, ladders and other implements, by a fine of not more than one hundred dollars, to be levied and collected before said mayor's court of said delinquent company, or the officers or members thereof; and the said mayor's court may also, upon information or complaint, punish by fine not exceeding ten dollars, any member of any of said companies for any absence, neglect of duty or violation of the rules and regulations of such company or by-laws and ordinances of the common council; and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engines and other implements, with a view to their perfect order and repair.

Duties of
marshal and
constables in
case of fire.

Sec. 19. Upon the breaking out of any fire in said city, the marshal and constables shall immediately repair to the place of such fire with their staves of office, and be aiding and assisting as well in extinguishing such fire, as in preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the mayor, recorder and aldermen and fire wardens, or either of them, or such of them as may be present at such fire.

Of licences:
retails of
spiruous li-
quors, shows
pawnbac-
kers

Sec. 20. The common council shall have power, and it is hereby made their duty, to regulate by good and wholesome laws and ordinances for that purpose, all ale and porter shops and places of resort, where spirituous liquors are sold or used by a less quantity than one quart, within said city; public shows and all exhibitions of whatever name or nature, to which admission is obtained by payment of money or any other reward; and the said com-

mon council shall have power to grant licenses to retailers of spirituous liquors by a less quantity than a quart, keepers of ale and porter shops and groceries, showmen and all other exhibitions for money, and all pawnbrokers; and in granting any such license it shall be lawful for said common council to exact, demand and receive such sum or sums of money as they shall think fit and expedient, to annex thereto such reasonable terms and conditions in regard to time, place and other circumstances under which such license shall be acted upon, as in their opinion the peace, quiet and good order of society in said city may require; and for the violation of such terms and conditions as aforesaid, the common council shall have power to revoke or suspend such license whenever the good order and welfare of said city may require it, and to impose such fine for any such violation, as they may deem proper.

Power to revoke and fine for abuse of license.

Sec. 21. The common council shall have full power and authority to license all carts, wagons, drays and every description of two and four wheeled carriages which may be kept in said city for hire; to establish, keep and regulate one or more markets in said city, as the public convenience may require, and shall appoint such proper officer or officers as they shall from time to time deem necessary to superintend the same; and shall also have power to license, under such restrictions and obligations as they shall from time to time prescribe, one or more porters and livery stables in and for said city, and also to construct, repair and preserve sewers and drains; also the measuring of fire wood and weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood, hay and produce exposed for sale in said city; to prevent the vending of liquors in any place within said limits, not duly licensed; to prevent and punish immoderate driving in any of the streets in said city; to prohibit bathing in any public waters within the city; to prevent the incumbering of the streets, side-walks, alleys or public grounds or squares; to provide for clearing the river Raisin or other stream of all wood, filth and other nuisances; to regulate the keeping and transporting of gunpowder and other combustible materials within said city; to regulate all grave yards and burial of the dead in said city.

Further specific powers.

Markets.

Porters and livery stables

Measuring and weighing of wood and hay.

Incumbrance of streets.

Burial of dead, &c.

Sec. 22. The common council shall have authority to lay out and establish, open, make and alter such streets, lanes and alleys,

Powers and duties of common council in regard to.

opening
streets, build-
ing bridges,
&c.

side walks, highways, water courses and bridges, within the limits of said city, as they may deem necessary for the public convenience ; and if in doing thereof they shall require for such purposes the grounds of any person, they shall give notice thereof to the owner or parties interested, or his or their agent or representative, by personal service or by publication in some one of the newspapers printed in said city, at least three weeks next preceding the meeting of the said common council for the purposes aforesaid ; and if such person shall claim any damages for any such grounds or premises, he shall present his claim in writing to be filed with the clerk of said city, one week previous to such meeting of said common council ; and the said common council are hereby authorized to treat with such person for such grounds or premises, and if such person shall refuse to treat for the same, or if the parties cannot agree therefor, it shall be lawful for said common council to direct the clerk of said city to issue a precept under his hand for the seal of the city court, in the name of a *venire facias* to command the marshal or any constable of said city to summon and return a jury of twelve disinterested freeholders of said city, to appear before said city court at any time to be therein stated, to enquire into and assess the damages and recompense due to the owner or owners of or parties interested in such grounds or premises, which jury, being first duly sworn by said court faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of or parties interested in such grounds or premises, for their respective losses according to the several interests and estates therein, and the said court shall upon the return of such assessment or verdict enter judgment thereon, confirming the same ; and such sum or sums so assessed together with all costs shall be paid or legally tendered before such street, lane or alley, side-walk, highway or bridge, shall be made, opened, established, opened or altered to the claimant or claimants thereof ; but if such jury shall find that the claimant is not entitled to any damages, then it shall be competent for said court to render judgment against such claimant for the costs, and to issue execution therefor : And in either case it shall thereupon be lawful for the common council to cause the same grounds or premises to be converted to and used for the

purposes aforesaid: *Provided*, That any party claiming damages may have the right to remove such proceedings by appeal to the circuit court or any other court of competent jurisdiction, upon giving notice of his or their intention so to do to said mayor's court in writing, within three days, or in case of the absence of the said party from the city, within ten days after the verdict of such jury and the judgment of said mayor's court thereon aforesaid; but no appeal, supersedeas, injunction or any other process or proceeding from any court whatever, shall prevent the immediate making, laying out, opening or altering such street, lane, alley, side-walk, highway or bridge as aforesaid, and upon the filing of a transcript of the proceedings aforesaid in the circuit court or any other court of record having jurisdiction, the same proceedings shall be had as is prescribed by law in case of appeals: *Provided*, That if the final judgment of said circuit or other court shall not exceed the damages assessed in said mayor's court, the party appealing shall pay all costs occasioned by such appeal.

Sec. 23. The mayor, recorder and aldermen or any three of them, the mayor or recorder always to be one, shall have full power and authority to hold and keep a court of record by the name, style and title of the "Mayor's court of the city of Monroe," and as such they are hereby authorized and empowered to enquire of, hear, try and determine in a summary manner all the offences which shall be committed within the limits of said city against any of the by-laws, ordinances and regulations that shall be made, ordained or established by the said common council, in pursuance of the powers granted them in this act, and punish the offender or offenders as by the said by-laws, ordinances or regulations shall be prescribed or directed; and also to hear, try and determine in the same manner, all such offences and misdemeanors of which this court has jurisdiction or cognizance by this act, and to punish such offender or offenders, and to award process and take recognizances for the keeping of the peace and for good behavior, and for appearance or otherwise, or commit to prison as occasion may require.

Mayor's court to try offences committed in the city, punish offenders, &c.

Sec. 24. Said court shall have jurisdiction and cognizance of all actions, personal or mixed, arising within the limits of the said city, to which the mayor, recorder, aldermen or freemen of said city, in their corporate capacity are a party, and especially for

Cognizance and jurisdiction of court.

the collection of taxes or fines, or other debts due or which may become due to said corporation; for the rents of any buildings, lands or premises belonging to said corporation; and for obtaining possession of lands or tenements belonging thereto; and for the eviction of tenants holding over possession after their leases shall have expired or contrary to the covenants thereof: *Provided*, That no tenant shall be turned out of possession unless the marshal or other officer thereto directed, shall have given such tenant six days' previous notice after the expiration or other termination of his said lease.

Juries.

Sec. 25. Whenever it shall be necessary for the purpose of the trial of any cause or matter by virtue of the preceding section, that a jury should be had, the said mayor's court is hereby authorized and empowered to direct the clerk of said city to issue a precept under his hand and the seal of said court, to command the marshal or any constable of said city to summon and return, and every such officer is hereby required to summon and return a jury of twenty-four freeholders of said city to attend said court, whose names shall be put in a box from which a jury of twelve shall be drawn to serve in every such cause; and any juror summoned as aforesaid, neglecting or refusing to attend, shall be fined or punished by said court; and no juror summoned and attending as aforesaid, shall be deemed incompetent to serve on account of the interest such juror may have as a freeman of said city, in the event of the cause to be heard or tried; and every juror serving as aforesaid, shall be entitled to demand and receive the usual pay for every such service.

Duties.

Liabilities.

Fees.

Regular term of court.

Special sessions.

Power in term and vacation same as courts of record and justice. Officer may administer oaths and take fees.

Sec. 26. The mayor's court shall be held on the second Monday in every month, and the terms of said court may be continued until the business is disposed of; and special sessions thereof may be held as often as may be deemed necessary or expedient for the despatch of business; and the said mayor, recorder and aldermen holding such court in term, and each and every of them in vacation, shall have the same powers as conservators of the peace within the limits of said city as any courts of record have or any justice of the peace has or may have by law in any county of this state; and it shall be lawful for every of said officers to administer oaths, take affidavits and depositions to be read in said court, and to receive therefor the usual fees.

Sec. 27. The clerk of the county of Monroe shall be the clerk of said mayor's court, and shall perform all the duties of clerk of said court, and shall be entitled to demand and receive all the fees and perquisites belonging to said office.

Clerk of the court.
Duties.

Fees.

Sec. 28. The marshal, clerk and so many of the constables as shall be required thereto, shall attend the said mayor's court and discharge all the duties of their respective offices; and the said marshal and other ministerial officers of said city, shall execute and return all processes issuing out of said court to them directed in the same manner as the sheriff or other officers of any court of record in this state.

Duties of marshal, clerk and constables.

Sec. 29. The mayor's court shall have power and authority to make all rules for the practice in such court, and when necessary or expedient to enter judgment and issue execution in the same manner as the same may be issued in the circuit court of Monroe county, which may be levied, collected and returned within sixty days from the date thereof, and to establish from time to time the costs and fees of all the officers attending said court, which said costs and fees shall be taken and made a part of the judgment, and recovered in the same manner as is or shall be provided by law.

Practice of mayor's court.

Sec. 30. All writs and process from the mayor's court shall run in the name of the people of the state of Michigan, be directed to the marshal or any constable of said city, shall bear test in the name of the mayor, if not interested, and if interested, or there be no mayor, then in the name of the recorder, shall be sealed with the seal of said court, signed by the clerk and dated on the day on which the same shall be issued.

Writs and processes.

Sec. 31. If any person or persons shall consider himself or themselves aggrieved by any judgment of said mayor's court, it shall be lawful for such person or persons, his or their agent or attorney, to appeal to the circuit court of Monroe county at any time within ten days after the rendering of such judgment, by giving notice in writing with the reasons for such appeal to the said mayor's court; and the party so appealing shall enter into the same recognizance, and the same proceedings shall thereupon be had in said circuit court as are or may be prescribed by law regulating appeals to said circuit court.

Appeals.

Recognizance.

Sec. 32. Whenever any person or persons charged with any offence supposed by such charges to have been committed with-

Court in session, or mayor, recorder or aldermen in vacation, may issue capias to take absconding or concealed offenders.

Penalty of officer for non-service of writ.

Witnesses not incompetent on account of interest as free-men.

Taxes.

Lien on real and personal estate.

in the limits of said city, against the provisions of this act, or in violation of any by-law or ordinance of said city, who shall depart from, remain, lurk or reside within the limits of said city, the said mayor's court in session, and the mayor or recorder, or either of the aldermen of said city in vacation, are authorized and empowered, and it is hereby made their duty to command the marshal or any of the constables of said city, or the sheriff or sheriffs of any county or counties, or any constable of any township within this state, by a writ of capias under the seal of said court, to arrest the body or bodies of such person or persons so charged as aforesaid, and such person or persons have before the mayor or recorder or aldermen of said city, or either of them, agreeably to the exigency of said writ, to be dealt with according to law; and the officer or officers to whom such writ of capias shall be directed and delivered, are hereby required to use due diligence in executing the same, under such pains and penalties as are by law incurred by any sheriff or other officer neglecting or refusing to execute any capias or other process to him or them directed and delivered.

Sec. 33. In all processes, prosecutions or other proceedings before said mayor's court, no freeman of said city shall be deemed an incompetent witness on account of the interest of such witness as such freeman in the event of such process or proceedings.

Sec. 34. The common council shall have power and authority to levy and collect a capitation or poll tax upon the inhabitants of said city, and also taxes on all the real and personal property within the limits of said city, necessary to defray the current expenses thereof: *Provided*, That the said taxes so assessed and collected, shall not exceed one-fourth of one per centum upon the valuation of said real and personal property in any one year, unless authorized by a vote of the plurality of the actual freeholders in said city, when convened for that purpose pursuant to previous public notice; and every assessment or tax lawfully imposed or laid by the said common council, on any lands, tenements, hereditaments or premises whatsoever in said city, or upon any owner or occupant thereof, by virtue of any of the provisions of this act, shall be and remain a lien on such lands, tenements and hereditaments, from the time of making such assessment or imposing such tax, until paid, and the owners or occupants or parties in interest, respect-

ively, in said real estate, shall be liable upon demand, to pay every such assessment or tax to be made as aforesaid; and in default of such payment or any part thereof, it shall be lawful for the mayor, recorder and aldermen of said city, or any three of them, by a warrant under the seal of said mayor's court, to levy the same by distress and sale of the goods and chattels of such owner, occupant or lessee refusing or neglecting to pay the same, rendering the overplus (if any) after deducting the charges of such distress and sale, to such owner, occupant or lessee; but if goods and chattels cannot be found, or if such person or persons be non-residents of said city, it shall be lawful for said common council to cause a notice to be published in any one of the newspapers printed in said city, for one month if such person be a resident, and for three months if a non-resident, requiring the owners, occupants or lessees of such lands, tenements, hereditaments and premises, to pay the sum or sums at which the same shall be assessed or taxed, or which may be assessed to any person or persons as the owner, occupant or lessee thereof, respectively; and if default should be made in any such payment, such real estate shall be sold at public auction, at a day and place therein to be specified, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed or taxed on the same, with the costs and charges in the premises; and if, notwithstanding such notice, the owners, occupant or occupants, lessee or lessees shall refuse or neglect to pay such assessment or taxes with the costs and charges, then it shall be lawful for said common council to cause any such real estate to be sold at public auction, for a term of years, for the purpose and in the manner already expressed, and to give a certificate of such sale to the purchaser thereof; and such purchaser, his executors, administrators and assigns shall, by virtue thereof and of this act, lawfully hold and enjoy the same for his or their own proper use, against every such owner, occupant or lessee thereof, and all claiming under him or them, until his or their time shall be complete and ended; being at liberty to remove any buildings or materials which he or they may erect thereon: *Provided always*, That when any such estate shall be sold in conformity with the provisions of this act, for the payment of any assessment or tax as aforesaid, if the owner or proprietor thereof shall within the period of one year after such sale, deposit with

Distress and
sale on refusal
to pay.

Notice to
non residents
&c.

Sale for term
of years.

the treasurer of said city, for the use of the purchaser, the full amount of the assessment or tax for which the same was sold, together with all costs and charges, and with interest at and after the rate of twelve per centum from the time of sale, then the term for which the same was sold shall cease and be determined at the time of making such deposit, any thing herein to the contrary notwithstanding: *And provided further*, That the person in possession of any real estate at the time any tax is to be collected, shall be liable to pay the tax imposed thereon; and in case any other person, by agreement or otherwise, ought to pay such tax or any part or proportion thereof, the person who shall pay the same, shall and may recover the amount from the person who ought to have paid said tax: *And provided also*, That no tax shall be imposed or assessed by less than five of the members of the common council, of which the mayor or recorder shall always be one, any thing in this act to the contrary notwithstanding: *And provided further*, That whenever the assessors of said city shall have completed their assessment roll and valuation of the property, real and personal in said city, it shall be their duty to give notice thereof, by publishing in any of the newspapers printed in said city, by at least two insertions, stating the place where the said roll is left for the inspection of all person interested, and of the time when and place where they will meet to hear the objection of any person interested to the valuation so made by them; and at the time and place so appointed, the said assessors shall meet, and on the application of any person conceiving himself aggrieved, may review and reduce the said valuation on sufficient cause being shewn to the satisfaction of the said assessors or a majority of them: And if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from such decision, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause shown, to reduce said valuation.

Notice of assessors.

Review.

Appeal.

Appointment of commissioners for repairing and opening streets.

Sec. 35. The common council shall have power to appoint street commissioners or other officers to superintend and direct the making, paving, repairing or opening of all streets, lanes, alleys, side walks, highways or bridges within the limits of said city, with such powers as may be necessary for levelling and grading the same; for establishing the line thereof upon which buildings

may be erected, and beyond which such buildings shall not extend, and generally to do and perform under the by-laws and ordinances or other directions of the common council, whatever may be deemed conducive to the regularity, public health and convenience of said city; and the common council shall have authority to provide funds for defraying the expenses of such paving, leveling or graduating of streets or side walks and making drains, as may be deemed necessary, either by assessment among the owners or occupants of such lot or premises, in front or adjacent to which such streets or side walks may be directed to be paved or repaired, or by general assessment or otherwise, as they may direct; and such assessment shall be binding and conclusive upon the owners and occupants of such lots or premises so assessed respectively, and upon all who are assessed, and shall be a lien or charge on such lots or premises as aforesaid, or a charge upon the persons so assessed; and such owners or occupants or other persons shall also respectively be liable upon demand to pay the sum at which such lots or premises shall be assessed to such person as the said common council shall appoint to receive the same; and in default of such payment or any part thereof, it shall be lawful for the common council to levy and collect the same in the same manner as is hereinbefore provided in the preceding section of this act.

Defraying
expenses of
same.

Property to
be assessed.

Default of
payment,
levy and col-
lect.

Sec. 36. The common council shall at least once in every year cause to be published a just and true account of all the moneys received or expended by them in their corporate capacity, during the year or other period next preceding such publication, and also the disposition thereof, previous to which they shall audit and settle the accounts of the city treasurer and the accounts of all other officers or persons having claims against the city or accounts with it, and shall make out in detail a statement of all receipts and expenditures, and which statement shall fully specify all the appropriations made by the common council and the objects and purposes for which the same were made, and the amount of money expended under each appropriation, the amount of taxes raised, the amount of contingent expenses, the amount expended on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the city.

Annual re-
port of re-
ceipts and ex-
penditures.

Sec. 37. The common council shall have authority, and they

Registry of
vouchers

are hereby required to make out and keep an alphabetical list of all the freemen of said city qualified to vote at any charter election, and any freeman whose name may not at any time be found entered on said list, shall have a right to appear before said common council or the mayor's court and show his qualifications as a freeman of said city, and his name shall be entered on such list; and it shall be the duty of the clerk of said city to have the said list at the polls of every election, and no person shall be entitled to vote unless he shall prove his qualifications by entering his name as aforesaid prior to the day of such election.

Of constables.

Powers and duties

Fees, oath.

Bond.

Sec. 38. The constables of said city while in office shall, for the purposes hereinbefore directed, be respectively vested with the same power and perform the same duties within the limits of said city which may be vested in and performed by any constables of the county of Monroe, and shall be subject to the same liabilities, entitled to the same fees and take the same oath: *Provided*, That every such constable, before entering on the discharge of such duties, shall enter into a bond in the penal sum of two thousand dollars, or in such sum as the common council shall direct, with good and sufficient security, to be approved of by the common council of said city, conditioned well and faithfully in all things to perform and execute the office of constable of said city during his continuance in office, and to pay to each and every person such sum or sums of money as such constable shall become liable to pay for or on account of any process which may be delivered to such constable, which bond shall be filed with the city clerk, and shall be liable to be put in suit in the same manner as sheriffs' bonds are by law.

City collector.

Sec. 39. All moneys to be raised by tax in said city shall be collected and paid over by the collector to the treasurer of said city, at such time and under such regulations as shall be prescribed by the ordinances of the common council.

Moneys, how drawn and paid.

Sec. 40. No money shall be drawn from the treasury unless it shall have been previously appropriated to the purpose for which it shall be drawn, and all ordinances, resolutions and orders directing the payment of money shall specify the object and purpose of such payment, and shall be certified by the clerk of the common council to the treasurer, before any payment shall be made by him.

Of deposits of money.

Sec. 41. The treasurer shall keep two separate books with

every bank in which any money of the city shall be deposited, in which shall be entered all the sums received by such bank to the credit of the treasurer, and all sums paid out on his checks and drafts, which books shall be written up and the balance stated on the last day of every week, and at any other time when the mayor shall so direct; one of the said books shall be kept by the treasurer, and the other shall be deposited with and kept by the clerk of the city, who shall retain the same in his custody at all times, except when the same is left at the bank for the purpose of having entries made therein, and shall be at all times open for the inspection of any member of the common council; and every member of the common council shall be entitled, during usual banking hours, to inspect the account of the treasurer in any bank in which deposits of money shall be made.

Sec. 42. No money placed to the credit of the treasurer in Checks. any bank shall be drawn out, unless by a check signed by the treasurer and countersigned by the clerk or such other officer or person as the common council shall appoint for that purpose, of which appointment notice shall be given to the banks in which such deposits shall be made, and a copy of this section shall be delivered to the cashier of every such bank before making deposits therein.

Sec. 43. The clerk or other person authorized to countersign Book of entries of checks. such checks, shall keep in a book provided for that purpose regular entries of checks countersigned by him, and shall not countersign any check without having evidence before him that the same is authorized by some ordinance or resolution of the common council.

Sec. 44. The treasurer shall keep regular accounts of all the Receipts and disbursements. moneys received and disbursed by him in books to be provided for that purpose, in which the name of every person to whom money shall be paid shall be entered at full length, and on what account the same was paid, which books shall at all reasonable hours be open to the inspection of any freeman of the said city desiring the same.

Sec. 45. Whenever any action or suit shall be commenced Suit against city, process left with clerk. against said city, process against said city may be served by the leaving of a copy of such process, attested by the proper officer, with the clerk of said city, or at his usual place of abode therein,

whose duty it shall be to inform forthwith the mayor, recorder and aldermen thereof.

Record of
laws, &c.

Sec. 46. It shall be the duty of the clerk to make and keep a just and perfect record of all and every law and ordinance made and established by said city, which shall be from time to time published, and of all the corporate proceedings thereof, and the record so made by the clerk shall at all times be open to the inspection of any freeman of said city.

Salaries of
mayor, re-
corder and
aldermen.

Sec. 47. The mayor, recorder and aldermen shall be entitled to receive, payable quarterly out of the city treasury, in payment of their services the following sums: To the mayor there shall be paid the sum of three hundred dollars per annum; to the recorder, three hundred dollars; and to the aldermen, one hundred dollars each, unless the freemen of said city in legal meeting assembled, shall appropriate to each of the aforesaid officers a larger or a smaller annual compensation.

Canal and
piers.

Sec. 48. The common council shall be, and they are hereby, authorized and empowered to finish and complete the canal and piers already commenced by the government of the United States, connecting the waters of the River Raisin with Lake Erie, together with proper piers and basins for said canal within the limits of said city; and for that purpose they are hereby authorized to raise a sum not exceeding two hundred thousand dollars by a direct tax upon the real estate situate within the limits of said city, or by a loan for that purpose to be effected, or by both or either of said ways, which said money shall constitute a separate and distinct fund, and be termed the canal fund: *Provided, nevertheless,* That no such tax shall be levied or such loan effected, unless all such persons, by themselves or their duly authorized agents or attorneys, who own real estate in fee simple within the limits of said city as may be desirous of having said canal and public works completed at their own expense, shall by a written certificate assent to and authorize the same under his or their own hand and seal. Whenever the assent hereinbefore authorized shall be obtained so far as to warrant the undertaking, the common council shall forthwith proceed to effect such loan or to raise such tax, in the manner following: Five commissioners, who shall be called commissioners of the canal fund, shall be elected at some stated meeting of such of the freemen of said city who shall have assented to the propositions herein contained;

Tax on loan
for same.

Proviso.

Manner of
effecting loan
or tax.

Commis-
sioners.

but no persons shall vote for said commissioners, except they are the owners of real estate in fee simple in said city limits, and shall have concurred in the propositions aforesaid, and the said votes shall be canvassed and declared in the same manner as is usual at ordinary elections for city officers; said commissioners, or a majority of them, shall be assessors to assess all the real estate aforesaid in said city for the purpose of raising said fund; and they shall in making such assessment assess the real estate in proportion as in their opinion the same will be benefitted by the expenditure of the sum or sums of money so raised, they shall be severally sworn so to make said assessment, and in all things faithfully and impartially to discharge all their duties; and shall execute a bond in such sum or sums as the common council shall direct; and said commissioners, or a majority of them, shall appoint a collector of said assessment, who shall hold his office at the pleasure of said commissioners, and who shall give bonds in double the amount of the whole sum to be collected, with such sureties as the said commissioners may approve, faithfully to account for and pay over under the direction and regulation of the said commissioners, all moneys collected by him to the treasurer of said fund; and the said assessment shall be a lien on the real estate so assessed from the time of making such assessment; and in default of payment by the owners or occupants thereof, the collection shall be enforced in the same manner as is by this act provided for the collection of city taxes. The said commissioners shall also appoint a treasurer of said fund, who shall hold his office during their pleasure, and who shall enter into such bonds, and with such sureties and penalties as may be by the said commissioners from time to time prescribed; and the said treasurer shall discharge his duties in the same manner as is in this act provided for, the city treasurer substituting, however, "commissioners of the canal fund" for "common council."

Oath;
Bond.

Collector.

Assessment a
lien on real
estate.

Treasurer,
&c.

Sec. 49. Said commissioners, or a majority of them, shall have the superintendence of said canal and public works, and shall have full power to go on and complete the same; to expend the money so raised as aforesaid for that object; to employ all necessary engineers, hands, machinery, machines, laborers and every thing necessary for a vigorous prosecution of said work; and shall have full, complete and perfect power in regard to the same; they shall, at the expiration of each and every three

Powers and
duties of
commission-
ers.

months from the time of entering upon the discharge of their duties, make out and deliver to the common council a full and perfect account of all their doings ; the progress of the work, the expenses and every thing relating to the same ; in case of any vacancies by non-acceptance, death, resignation or otherwise, in the number of said commissioners, the common council shall forthwith order an election to fill such vacancy, which election shall be conducted in the manner above prescribed for electing said commissioners ; the said commissioners shall hold their offices for the term of one year and until others are elected and qualified ; and the said board of commissioners shall be continued from time to time and year to year as aforesaid, until said canal and basins and piers shall be completed, and the whole works fully done : *Provided, nevertheless,* That nothing in this charter contained shall in any way or any manner hinder the expenditure of any appropriation of money by the government of the United States, under the superintendence of their own proper officer or officers ; and nothing herein contained shall hinder any person or persons, individually or collectively, from making and constructing wharves, dikes, slips or basins, upon their own lands and premises, and the waters fronting the same, at their own proper cost and expense.

Extension of jurisdiction of police. Sec. 50. The said common council shall have full power, and authority is hereby given them to extend all the powers of police in this charter contained over all the territory which lies between the boundary line of this state on Lake Erie on the coast, and the boundaries of the city as herein described on the west ; the Laplaisance bay inclusive on the south, and a continuation of the north line of the city limits to the aforesaid line in Lake Erie and Laplaisance turnpike on the west.

Rights, &c. of trustees of village of Monroe vested in common council. Sec. 51. All the rights of the corporation known by the name of the president, trustees and freemen of the village of Monroe, in and to all lands, tenements, hereditaments, wharves, markets, stalls, landing places, goods, chattels, moneys and effects whatsoever, and all other lands, tenements, hereditaments, rights, franchises, privileges, goods, chattels, moneys and effects, whereof any person or persons, bodies corporate or politic are possessed which they or any of them hold and enjoy in trust for or to the use of the freemen of said village of Monroe, be, and they are hereby, severally and respectively vested in the said corporation by this

act created, by the name of the "Mayor, recorder, aldermen and freemen of the city of Monroe," to and for the use of the same and their successors forever, saving nevertheless, to all and every person and persons, bodies politic and corporate, his, her and their just rights therein, and all contracts made or engagements entered into by the corporation of the village of Monroe be, and the same are hereby, made binding and obligatory upon the corporation hereby created.

Sec. 52. And to the end and intent that all and singular the estates and estate rights, privileges and interests aforesaid, may be had and received by the said mayor, recorder and aldermen, and be by them and their successors faithfully applied to and for the use of the inhabitants and their successors forever, that all and every person and persons, bodies politic and corporate, who are or shall be possessed thereof, shall deliver the same to the mayor, recorder and aldermen, together with all deeds, evidences, books and other papers touching and concerning the same, with proper assignments when legally required thereto, or true and fair copies thereof; and whosoever shall fail herein, shall be liable for the same and shall moreover forfeit and pay to the mayor, recorder, aldermen and freemen any sum of money not exceeding five thousand dollars, to be sued for and recovered in any court of record in this state.

Assignment
of same.

Penalty for
neglect.

Sec. 53. This act shall be deemed a public act and shall be construed benignly and favorably for every beneficial purpose therein intended.

Public act.

Sec. 54. The said mayor's court shall be entitled to the use of the jail of the county of Monroe, and have power to imprison therein, and it is hereby made the duty of the keeper of said jail to receive such persons as are brought to his custody by authority of said court or of the common council, in the same manner as if by any court of record of this state or other competent authority.

Common
council may
use county
jail.

Sec. 55. All laws and parts of laws heretofore enacted in regard to the village of Monroe coming within the purview of this act, be and the same are hereby repealed: *Provided, however,* That the repealing of said laws shall not affect any act already done, right accrued, acquired or proceeding had or commenced by virtue thereof, but that the same shall remain as valid and may be proceeded in as if the said laws hereby repealed and every of them, had remained in full force.

Laws in rela-
tion to vil-
lage of Mon-
roe repealed,
&c.

Act to take
effect.

Sec. 56. This act shall take effect and be in force whenever the freemen residents of the limits herein described shall so far conform to its provisions as to render the same effective, and the legislature may at any time amend or repeal the same.

Power to alter,
&c.

Approved March 22, 1837.

[No. CXV.]

AN ACT to repeal an act entitled "An act to provide for establishing seats of justice."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That an act entitled "An act to provide for establishing seats of justice," approved March 4, 1836, be, and the same is hereby, repealed.

Approved March 22, 1837.

[No. CXVI.]

AN ACT to amend an act entitled "An act concerning deeds and conveyances."

Repeal.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the third section of the act to which this is amendatory be, and the same is hereby, repealed ; and the office of city register, established by said section be, and the same is hereby, abolished.

Duties of city
register to be
performed by
county register.

Sec. 2. The duties required to be performed by the city register in and by the third section of the act entitled "An act concerning deeds and conveyances," approved April 12, 1837, shall be done and performed by the register of deeds for the county of Wayne, any law thereof to the contrary notwithstanding ; and the city register is hereby required to deliver all records, books and papers which may be in his custody to the register of deeds as aforesaid.

Sec. 3. This act shall take effect from and after its passage.

Approved March 22, 1837.

[No. CXVII.]

AN ACT to provide for the disposal of the surplus revenue and five per cent. fund, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the treasurer of this state be, and he is hereby, directed to pass to the credit of the fund of internal improvement, all moneys which now are or shall come into the treasury before the first day of January, A. D. 1838, by virtue of an act of congress entitled "An act to regulate the deposits of public money," approved June 23, A. D. 1836; and the same is considered a loan to said fund, to be returned to the treasurer of the state whenever the loan for internal improvements shall be obtained, or whenever required by the legislature. Treasurer directed to pass certain moneys to credit of state, &c.

Sec. 2. The board of internal improvement be, and they are hereby, authorized to loan any money in the fund of internal improvement that may not be immediately required for the purposes of internal improvement to any of the specie paying bank or banks in this state which said board shall direct: *Provided*, Such bank or banks shall give such security, in addition to the responsibility of the corporation, as the auditor general shall direct and approve, for the repayment of the same in thirty days after demand, and for the payment of interest semi-annually, at a rate not less than five per cent. Loan of surplus. Condition.

Approved March 22, 1837.

[No. CXVIII.]

AN ACT to incorporate the Saginaw and Genesee railroad company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Gardner D. Williams, Norman Little, Robert Stage, Perry G. Gardner and Elijah N. Davenport be, and they are hereby, appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Saginaw and Genesee railroad company, hereby incorporated; and they shall cause books to be opened at the village of Flint and Saginaw city, for the space of Commissioners. Books to be opened.

Notice. three days in said village and city, at such times as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice in at least two newspapers printed in this state, of the times of taking subscriptions in said village and city.

Capital stock Sec. 2. The capital stock of said company shall be four hundred thousand dollars in shares of fifty dollars each; and as soon as five hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name of "The Saginaw and Genesee railroad company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate either real or personal or mixed, so far as the same may be necessary for purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued, may have a common seal which they may alter and renew at pleasure, and shall have, enjoy and may exercise all the powers, rights and privileges which appertain to corporate bodies for the purposes mentioned in this act.

Body corporate.

Privileges, &c.

Route of road. Sec. 3. Said corporation hereby created shall have power to construct a railroad with a single or double track from the Saginaw river at Saginaw city, to intersect the northern railroad (from the St. Clair river to Grand river) at such point as they may deem practicable, in the county of Genesee, with power to transport, take and carry persons and property upon the same by the power and force of steam or animals or of any mechanical or other power, or combination of them.

Limitation. Sec. 4. If said corporation shall not within one year commence the construction of said railroad, and shall not within two and a half years from the passage of this act construct, finish and put in operation twenty-five miles in distance of said road, and shall not within six years complete and put in operation the whole of said road, or in the event of the failure of the company to construct the parts of the said railroad within either of the times above specified, then the rights, privileges and powers of said corporation shall be null and void.

Meeting of subscribers. Sec. 5. Whenever five hundred shares of the capital stock shall have been subscribed, if within one year from the passage of this act, the commissioners shall call a meeting of the subscribers at

such time and place as they may appoint, by giving thirty days' notice of such meeting in the manner prescribed by the first section of this act, and at such meeting shall lay the books of subscription before the subscribers present, and thereupon the stockholders may elect seven directors by ballot, a majority of whom ^{Directors.} shall be competent to manage the affairs of said company; and said directors are empowered to elect one of their number president, and on all occasions when a vote of the stockholders is to ^{President.} be taken, each and every share shall entitle the holder to one vote either by himself in person or by proxy.

Sec. 6. To continue the succession of president and directors ^{Annual election, &c.} of said company, seven directors shall be chosen annually on the first Monday in October, at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation or otherwise of any president or directors before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company, or a majority of them; the directors of said company shall hold their offices until a new election of president and directors; all elections which are by this act or by the by-laws of the company to be made upon a particular day, if not on such day may be made at any time within sixty days thereafter; notice of such meeting given in manner prescribed by the preceding section of this act.

Sec. 7. A general meeting of the stockholders of said company ^{Annual meeting.} shall be held annually at the time and place appointed for the election of the president and directors; and a meeting may be called at any time intervening said annual meetings, by the said president and directors, or by the stockholders owning not less than one-fourth of the stock, by giving thirty days' public notice ^{Notice.} of the time of meeting and the place, in the manner hereinbefore prescribed; and when such meeting is called by the stockholders, the particular object of such call shall be stated; and if at any meeting thus called, a majority in value of the stockholders are not present, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if within said three days, stockholders having a majority of stock do not attend such meeting, then such meeting shall be dissolved.

Sec. 8. At the regular meeting of the stockholders of said ^{Statement of affairs.} company, it shall be the duty of the president and directors in

office the preceding year, to exhibit a clear and distinct statement of the affairs of said company ; and at any meeting of the stockholders, a majority of those present or by proxy may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required ; and at all general meetings of the stockholders, a majority in value of all the stockholders in said company may remove from office any president or any of the directors of said company, and elect others in their stead : *Provided*, That notice of such intended removal has been given as required by the seventh section.

Removal
from office.

Proviso.

Oath of of-
fice.

Sec. 9. Every president, director, secretary and treasurer of said company, before he acts as such, shall swear or affirm that he will well and truly discharge the duties of his office to the best of his skill and judgment.

Appointment
and compen-
sation of en-
gineers, &c.

Sec. 10. The said president or directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure ; and the said president and directors, or a majority of them, shall have power to determine the manner of adjusting all accounts against the company ; also the manner and evidence of the transfers of the stock of said company ; and they shall have power to pass all by-laws that they may deem necessary for carrying into execution all the power vested in the company hereby incorporated : *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States or of this state.

By laws, &c.

Location,
construction,
&c.

Sec. 11. The president and directors of said company shall be, and they are hereby, invested with all the privileges and the power necessary for the location, construction and keeping in repair said railroad, not exceeding one hundred feet in width ; and the said president and directors or their agents, or those with whom they may contract for making the road or any part of it, may enter upon, use and excavate any land which may be wanted for the site of said railroad or any other purpose which is necessary in the construction or repair of said road or its works, so soon as the amount of compensation therefor is ascertained and tendered as hereinafter provided.

Sec. 12. The president and directors of said company may agree with the owner or owners of any land for earth, timber, gravel, stone or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said road or of its works, for the purchase or occupation of the same; and if such materials (not previously taken or appropriated by the proprietor thereof for any particular use,) as may be necessary for the repair or construction of said railroad or any of its works, be found on any unimproved land adjacent or near the same; and if the parties cannot agree, or if the owner or owners of any of them be a feme covert, under age, non compos mentis, or out of the county in which the property wanted may be, an application may be made to any justice of the peace of said county, who shall thereupon issue his warrant directed to the sheriff of the said county, or if the sheriff be interested, to some disinterested person, requiring him to summon twelve freeholders in the county, not in any way interested in the matter or related to the parties, to meet on or near the property to be valued, on a day named in the warrant, not less than five nor more than ten days after the issuing of the same; and if at the said time and place any of the persons do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a panel of twelve jurors; and from them each party, his, her or their agent or attorney, or if either be not present either by agent or person, the sheriff or summoner for him, her or them may strike off three jurors for each party not present, and the remainder shall act as a jury of inquest of damages; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the land, materials or property required by said company; and said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall be sent to the clerk of the county and be by him filed in his office, and be confirmed by the circuit court of the county at its next session, if no sufficient cause to the contrary be shown; and when confirmed, the same shall be recorded by the said clerk at the expense of said company; but if set aside, said court may direct another inquisition to be taken in the manner above specified; said inquisition shall

Materials.

Justice of the peace.

Jurors.

Appraisal.

County clerk to file in his office.

Circuit court.

describe the property taken or the bounds of the land required by said company; such valuation, when paid or tendered to the owner or owners of said property, his, her or their legal representatives, shall entitle said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same for a railroad: and if the valuation be not received when tendered, it may any time thereafter be received from the company without cost; and the sheriff or summoner and jurors shall be allowed the ordinary fees for like services, to be taxed by the court.

Valuation,
&c.

Crossing of
other roads.

Sec. 13. Whenever in the construction of said railroad it shall be necessary to cross and intersect any established road, it shall be the duty of said president and directors to conduct the said railroad across such established roads so as not to impede the passage or transportation of persons or property along the same; or when it shall become necessary to construct it through the land of any individual, it shall be their duty to provide for such individual proper wagonways across said road from one part of his land to the other.

Wagon-
ways.

Neglect, &c.

Sec. 14. If said company shall refuse to provide proper wagonways across said roads as required by this act, it shall be lawful for any individual to sue said company, and he or she shall be entitled to such damages as the court or jury may think him or her entitled to, for such neglect or refusal on the part of said company.

Connexion
with turn-
pike or bridge
company.

Sec. 15. If it shall be necessary for the said railroad company in the selection of the route or construction of the road to be by them laid out and constructed, or any part of it, to connect the same with any turnpike road or bridge, made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for said president and directors to contract with any other incorporation for the right to use such road or bridge or for the transfer of any of the corporate or other rights and privileges of such corporation to the said company hereby incorporated; and every such other corporation acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the person authorized by the respective acts of incorporation to exercise their corporate powers, or by any persons who are by any law of this state intrusted with

Contract.

the management and direction of such turnpike road or bridge, or any of the rights and privileges aforesaid, every contract or transfer made in pursuance of the power and authority herein granted, when executed by the several parties under their respective corporate seals, shall vest in the company hereby incorporated, all such rights and privileges and the right to use and enjoy the same as fully as they are now used and enjoyed by the said corporation in which they are now or may hereafter be vested. Vested right.

Sec. 16. The said president and directors shall have the power to purchase with the funds of the company and place on any railroad constructed by them under this act all merchandize, wagons, carriage or vehicles of any description which they may deem necessary or proper for the purpose of transportation upon said railroad, and they shall have power to charge for tolls and transportation all such reasonable sums as shall be established by the by-laws of said company hereby incorporated, subject to be revised and altered by the legislature; and it shall be lawful for any other company or any other person or persons to transport any passengers, merchandize or property of any description whatever on said road or any part of it, by complying with the by-laws and regulations of said company, and paying in advance the rate of tolls established by said company, or as revised by the legislature, without the license and permission of the said president and directors of said company; and the said road, with all its improvements, works and profits, all machinery used on said road for transportation, are hereby vested in said company incorporated by this act and their successors forever; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable agreeably to the by-laws of said company, and subject to be taken on execution agreeably to such laws as are or may hereafter be in force. The right and privilege is hereby reserved to this state or any company now incorporated or hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for any other road leading from the main route to any part or parts of this state: *Provided*, That in forming such connexion no injury shall be done to the works of the company hereby incorporated: *Provided further*, That the said company or companies so connecting, may have the free use of said road, by paying such a tariff of tolls as may be established by the legislature; and this incorporation

Purchase of
machines,
&c.

Tolls.

Vested
rights.

Shares per-
sonal proper-
ty.

Right reserv-
ed to state.

shall be entitled to the same rights and privileges to any and all roads hereafter connected.

Dividends.

Sec. 17. The president and directors shall annually or semi-annually declare and make such dividend as they may deem proper of the net profits from the resources of said company, deducting the necessary current expenses; and they shall make such dividend among the stockholders of said company in proportion to their respective shares.

Wilful and malicious injury, &c.

Sec. 18. If any person or persons shall wilfully, knowingly and maliciously remove a stake, alter, deface or injure in any manner any bench, stake or fixture set by any engineer, superintendent or other person in the employ of said company, or by any other means injure, impair or destroy any part of the railroad constructed by said company under this act, or destroy any of the necessary works, buildings or machinery of said company, such person or persons so offending, shall each of them for every offence, forfeit and pay to the said company a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of said company by an action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to an indictment, and upon conviction of such offence shall be punished by fine or imprisonment, at the discretion of the court: *Provided*, The said imprisonment shall not exceed one year.

Penalty.

Right of state to purchase.

Sec. 19. The state shall have the right at any time after the expiration of five years from the completion of said railroad, to purchase and hold the same and the fixtures thereon, for the use of the state, at a price not exceeding the original cost of said road, exclusive of repairs and fourteen per cent. per annum thereon; of which cost an accurate account shall be kept and submitted to the legislature, duly attested by the oath of the officers of said company, whenever and as often as said legislature shall require the same.

Account to legislature.

Transport U. S. mail.

Sec. 20. Said company shall at all times if required by the post office department transport the United States mail upon said road as often as their cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department, not exceeding the average price paid by said department for the transportation of the mail in post coaches, three times per week a like distance,

upon the several post roads in this state: *Provided*, Nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

Sec. 21. The state shall have the right of subscribing any number of shares in the capital stock of said company, not exceeding one thousand; in such case the legislature shall, if required by the stockholders, increase the number of shares and stock which said corporation may hold to the amount of the sum or sums which may be so subscribed. State may subscribe to stock.

Sec. 22. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by the authority of the state shall be received as evidence thereof: *Provided, however*, Act made public. If at the expiration of said ten years, the said company shall have realized twelve per cent. per annum upon the original cost of construction and all other expenses, and upon the moneys expended in repairs of said road and for fixtures, then the state shall have the privilege of purchasing said road and fixtures at seven per cent. per annum on the costs aforesaid. Proviso.

Sec. 23. Nothing contained in this act shall be construed to empower said company to carry on banking business, or to use or employ the funds or any part thereof, or permit the same to be used or employed in the purchase of any bank or any other stock, for any purpose or in any manner whatsoever not authorized by this act. Unlawful use of funds.

Sec. 24. The legislature may alter or amend this act by a vote of two-thirds of each house. Right to alter or amend.

Sec. 25. If the state shall hereafter establish a board of commissioners of internal improvement, the said railroad shall be built under their direction so far as it relates to the width of the same, and be so constructed as to conform to and accord with the roads that may hereafter be built by the state: *Provided, however*, That if this legislature shall not appoint such a board of commissioners, then this section shall be void. Contingent construction of road by state commissioners.

Sec. 26. Said railroad company shall never be entitled to any damages by reason of any similar improvements made by this state that may render its stock less valuable. Not entitled to damages in certain cases.

Sec. 27. One dollar on each share shall be paid in on each share subscribed at the time of subscription. Amount paid on subscription.

Approved March 22, 1837.

[No. CXIX.]

AN ACT authorizing the building of certain dams therein named.

Dam across
Grand river
in Ionia co.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Lucius Lyon, his heirs and assigns, be, and they are hereby, authorized and empowered to build a dam across the Grand river, in the county of Ionia, on section number nineteen of town seven north, range five west; and said dam shall not exceed five feet in height above common low-water mark, and shall contain a convenient lock not less than seventy feet in length and sixteen feet in width, for the passage of boats, canoes, rafts and other water-craft.

Thorn Apple
river in Kent
county.

Sec. 2. Lucius Lyon, his heirs and assigns, are hereby authorized and empowered to build a dam in and across the Thorn Apple river, at or near its junction with the Grand river, on section number thirty-four, town seven north, range ten west, in the county of Kent; said dam shall not exceed eight feet in height above common low-water mark, and shall contain a convenient lock not less than seventy-five feet in length and sixteen feet in width, for the passage of boats, canoes, rafts and other water-craft.

Grand river,
Ingham co.

Sec. 3. Frederick Bushnell, Sydney S. Alcott, and such other persons as may associate with them, be, and they are hereby, authorized to construct and build a dam across the Grand river, on section number nineteen, town four north, range two west, in the county of Ingham; and shall construct a good and sufficient lock not less than seventy-five feet in length and fifteen feet in width in said dam, for the passage of boats, canoes, rafts and other water-craft.

Southern
channel,
Grand river.

Sec. 4. Erastus Ingersoll, his heirs and assigns, are hereby authorized to build a dam in Grand river, at or near the one heretofore erected or granted by virtue of an act passed and approved March the twenty-eighth, in the year eighteen hundred and thirty-six; that is to say, the said Erastus Ingersoll, his heirs and assigns, are allowed to run a dam from the head of a certain island in said Grand river, specified in said act, to the opposite bank, so as to close up the southern channel or passage of said river: *Provided*, Nothing herein contained shall authorize said Erastus Ingersoll to raise the water in said river higher than was

allowed by the act of March the twenty-eighth before referred to; and also, that all the provisions in said act are hereby declared binding as regards the constructing a lock for the passage of boats and all other water-craft.

Sec. 5. Hull Sherwood, junior, and Royal Sherwood, their heirs and assigns, be, and they are hereby, authorized and empowered to build a dam in the Kalamazoo river, to commence on the south-east fractional quarter of section twenty-one, township one north, range twelve west, to Duck island, from thence to the opposite bank of the river; the said dam shall not exceed five feet in height above common low-water mark, and shall contain a convenient lock not less than seventy-five feet in length and fourteen feet in width, for the passage of boats, canoes, rafts and other water-craft; and all that part of section nine in an act entitled "An act to construct dams and improve the navigation of certain rivers," and approved March 24th, 1836, inconsistent with this act, be, and the same is hereby, repealed.

Sec. 6. James Anderson and Edward H. Marcy, their heirs and assigns, be, and they are hereby, authorized and empowered to build a dam across the Thorn Apple river, on section fifteen, in township four north, of range ten west; said dam shall not exceed six feet in height above common low-water mark, and shall contain a convenient lock not less than seventy-five feet in length and sixteen feet in width, for the passage of boats, canoes, rafts and other water-craft.

Sec. 7. Thomas L. Brent, his heirs, administrators and assigns, are hereby authorized to construct a dam across the Flint river, at some point on section three, in township eight north, and in range five east, in the county of Genesee; said dam shall not exceed six feet in height, and shall contain a convenient lock for the passage of boats, canoes, rafts and other water-craft; and shall not be less than seventy-five feet in length and fifteen feet in width.

Sec. 8. E. P. Hastings and Abel Bears, their heir and assigns, are hereby authorized to build a dam across the Grand river at some point on the following lands, to wit: sections fifteen and twenty-three, the north-east quarter of section twenty-two and the west half of the south quarter of section fourteen, all in township three north and in range three west, in the county of Eaton; said dam shall not exceed six feet in height and shall contain a con-

venient lock for the passage of boats, canoes, rafts and other water-craft, and shall not be less than seventy-five feet in length and fifteen feet in width.

Kalamazoo
river, Kalamazoo
county.

Sec. 9. George L. Sale and such other persons as may associate with him, be and they are hereby, authorized to construct and build a dam across the Kalamazoo river on section twenty-four, in town two south of range ten west, and on such part of section nineteen in town two south of range nine west, as may be necessary for the construction of the same, in the county of Kalamazoo, and shall construct a good and sufficient lock, not less than seventy-five feet in length and fifteen feet in width in said dam, for the passage of boats, canoes, rafts and other water-craft.

Kalamazoo
river, Calhoun
county.

Sec. 10. Andrew Mann and such other persons as may associate with him, be and they are hereby, authorized to construct and build a dam across the Kalamazoo river, on section twenty-six, town two south of range six west, in the county of Calhoun, and shall construct a good and sufficient lock not less than seventy-five feet in length and fifteen feet in width in such dam, for the passage of boats, canoes, rafts and other water craft.

St. Joseph
river, St. Joseph
county.

Sec. 11. John S. Barry, his associates, heirs and assigns, be, and they are hereby, authorized to build a dam across the St. Joseph river at any point not exceeding two miles above the bridge across the river in the village of Constantine, in St. Joseph county; which said dam shall not exceed five feet in height above common low-water mark, and shall contain a convenient lock not less than one hundred feet in length and twenty feet in width, for the passage of boats, canoes, rafts and other water-craft.

Grand river
s. w. fr. qr.
section 25,
township 3
north, range
3 west.

Sec. 12. Jerry Ford, his heirs and assigns, be, and they are hereby, authorized and empowered to build a dam in the Grand river on the south-west fractional quarter of section number twenty-five in town three north, range three west; which said dam shall contain a convenient lock, not less than seventy-five feet in length and sixteen feet in width, for the passage of boats, canoes, rafts and other water-craft.

Flint river,
Lapeer county.

Sec. 13. William Draper of Pontiac, in Oakland county, his heirs and assigns, be, and they are hereby, authorized to build a dam across Flint river, on the north half of section seventeen, in township eight north and in range eight east, in the county of Lapeer; said dam shall not exceed six feet in height above common low-water mark, and shall contain a convenient lock for the pas-

sage of boats, canoes, rafts and other water-craft, and shall not be less than seventy-five feet in length and fifteen feet in width.

Sec. 14. It shall be the duty of the persons authorized by the preceding sections of this act to build dams, at all times, to keep the said locks in the same in good repair ; or if the said locks shall be connected with any navigable canal or race, to construct said race of sufficient capacity for the purposes of navigation, and to keep that also in repair ; and they shall at all times pass any water-craft which can be admitted into said locks through the same and through any canal or race free of toll, without any unnecessary delay ; and any person who shall be unnecessarily detained, shall be entitled to recover of the said owners double the amount of damages he shall prove he has sustained by reason of such detention.

Duties of persons erecting dams.

Sec. 15. Any person who shall destroy or in any wise injure said locks, dams or canals, shall be deemed to have committed a trespass upon the owner thereof, and liable accordingly ; and any person who shall wilfully and maliciously destroy or injure the said locks, dams or canals, shall be deemed guilty of a misdemeanor, and on conviction be punished by fine or imprisonment, at the discretion of the court : *Provided*, The imprisonment shall not exceed the term of three months.

Injury of dams, trespass, &c.

Sec. 16. Nothing herein contained shall authorize the individuals named in the previous sections of this act, or their heirs or assigns, to enter upon and flow the lands of any person, without the consent of such persons ; and the legislature may at any time so alter and amend this act as to provide for the improvements of the navigation of said rivers.

Overflow.

Power to alter, amend, &c.

Sec. 17. Each of the above locks shall be so constructed as to receive boats in slack water of sufficient depth below said locks, and pass them to slack water of sufficient depth above said lock, for all the purposes of navigation upon the river in which said lock shall be situated.

Construction of locks.

Approved March 22, 1837.

[No. CXX.]

AN ACT to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes.

Commissioners to purchase at cost and 7 per cent. interest, &c.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the board of commissioners on internal improvements be, and they are hereby, authorized and required to purchase for the people of the state, of the Detroit and Pontiac railroad company, the railroad and all of the chartered rights, franchises, privileges and immunities belonging to and acquired by said company under an act entitled "An act to incorporate the Detroit and Pontiac railroad company," approved March 7th, 1834: *Provided,* Said company will sell all of their rights aforesaid to the state at their original cost, with seven per cent. interest thereon from the time the same were paid for by said company, and also give up to the state without consideration all bonuses that may have been conferred on said company, or on any individual or individuals in trust for said company; and the said commissioners shall require of the president and directors of said company a full statement under oath of the nature and amount of said bonuses.

Manner of proceeding.

Sec. 2. The board of commissioners, in case the company should agree to sell on the terms aforesaid, shall proceed under the third section of the act entitled "An act to provide for the construction of certain works of internal improvement, and for other purposes," to ascertain the amount to be paid to said company.

Assent of stockholders to sell.

Sec. 3. To enable the president and directors of the company to make such sale, a majority in amount of the stockholders shall, at a meeting called under the seventh section of the act of incorporation of said company, authorize the president and directors of the company to make such sale; and a majority in amount of the stockholders of the bank of Pontiac, incorporated under an act entitled "An act to amend an act entitled 'An act to incorporate the Detroit and Pontiac railroad company,' approved March 26th, 1835," at a meeting called as aforesaid, shall give their assent to said sale, and also to the provisions of this act, so far as the same relate to said bank.

Sec. 4. The president and directors of the said railroad company being authorized as aforesaid, shall convey the railroad of the company and every thing appertaining or belonging thereto, and all personal and real estate, and the legal and equitable rights and interests of said company in all contracts made by said company, and all the chartered rights, franchises, privileges and immunities of said company, to the state of Michigan, under the hands and seals of the said president and directors; and such conveyance shall vest in the state all the property, rights, privileges and immunities of the said railroad company at law or in equity, and the state shall assume the performance and payment on the part of said company, of all debts and contracts made by said company and named in a list of said debts and contracts to be attached to said conveyance. ^{Conveyance.}

Sec. 5. After the conveyance aforesaid, the president and directors of the railroad company shall continue to be the president and directors of the bank, until the expiration of the year for which they were elected, at which time and annually thereafter the stockholders of the bank shall elect the directors of the bank in the same way and manner the stockholders of the railroad company are authorized to elect the directors of the railroad company; and the bank shall in all respects be subject to an act entitled "An act to create a fund for the benefit of the creditors of certain moneyed corporations," approved March 28th, 1836, as fully and effectually in all respects as it would be if it had been chartered since the passage of said act; and the said railroad shall be discharged from all liabilities for or on account of the bank. ^{Officers to continue for the year chosen.} ^{Annual election.} ^{Safety fund.}

Sec. 6. The bank shall on the first day of January in each year pay to the treasurer of the state, for the use of the state, one half of one per cent. on the amount of its capital stock paid in, and the legislature may at any time by a vote of two-thirds of each house, alter or amend the charter of the bank: *Provided*, That the bank shall be subject to the provisions of an act entitled "An act to organize and regulate banking associations." ^{Capital taxed.} ^{Power to alter, &c.} ^{Proviso.}

Sec. 7. It shall be lawful for the bank to take at the rate of seven per cent. per annum in advance on all notes or bills discounted in the ordinary course of business. ^{Rate of discount.}

Sec. 8. For the purchase of said railroad and for its construction and the location of such part of it as has not already been ^{Appropriation.}

located, the sum of seventy-five thousand dollars is hereby appropriated.

Completion,
location.

Sec. 9. The whole of said road shall be completed in two years, and the location of the same so far as it has been made shall not be changed.

Inoperative
in certain
cases.

Sec. 10. So much of this act as relates to the bank of Pontiac shall have no effect, unless the state purchase the said railroad.

Bond of pre-
sident and
directors.

Sec. 11. The president and directors of said bank shall execute a bond with such security as shall be required by the auditor general, and deposite the same in the office of the secretary of state to secure the payment of its present indebtedness, and the redemption of its paper now in circulation and which shall be issued previous to the transfer of the railroad charter.

Approved March 22, 1837.

[No. CXXI.]

AN ACT relative to incorporations for manufacturing purposes.

Formation of
company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That at any time within five years hereafter, any five or more persons who shall be desirous to form a company for the purpose of manufacturing woollen, cotton or linen goods, or paper, or sugar from the beet root, glass, leather, iron in any form ; also for the purpose of sawing lumber or flouring grain, or for the purpose of making from ore, iron in any form, may make, sign and acknowledge before a judge of any court of record in this state or a master in chancery, and file in the office of the secretary of this state, a certificate in writing, in which shall be stated the corporate name of the said company and the objects for which the company is formed ; the number of shares of which the said stock shall consist ; the amount of the capital stock of said company ; the number of trustees and their names, who shall manage the concerns of the said company for the first year, and the name of the town and county in which the manufacturing operations of the said company are to be carried on.

Certificate to
be filed.

Sec. 2. As soon as such certificate shall be filed as aforesaid, ^{Duration of body corporate, &c.} the persons who shall have signed and acknowledged said certificate and their successors, shall for the term of twenty years next after the day of filing such certificate, be a body politic and corporate in fact and in name, by the name stated in such certificate, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a common seal, and the same they may make, alter and change at pleasure; and that they and their successors by their corporate name shall in law be capable of buying, purchasing, holding and conveying any lands, tenements, hereditaments, goods, wares and merchandize whatever, necessary to enable the said company to carry on their manufacturing operations mentioned in such certificate: *Provided*, That the amount of lands that any ^{Proviso.} such company may hold under this act, shall not exceed the number of acres contained in one section.

Sec. 3. The stock, property and concerns of such company ^{Trustees.} shall be managed and conducted by trustees, who shall be residents of this state, except those for the first year; they shall be elected at such time and place as shall be directed by the by-laws of the said company, and public notice shall be given of the time ^{Notice.} and place of holding such election, not less than ten days previous thereto, in the newspaper nearest to the place where the manufacturing operations of the said company shall or are to be carried on; and the election shall be made by such of the stockholders as ^{Election.} shall attend for that purpose, either in person or by proxy, and all elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of the stock of the said company, and the persons having the greatest number of votes shall be trustees; said trustees shall choose one of their number president, and whenever any vacancy shall happen among the trustees, by death, resignation or removal out of the state, such vacancy shall be filled for the remainder of the year in such manner as shall be provided by the by-laws of the company: *Provi-* ^{President.} *ded always*, That the number of trustees shall not exceed nine, ^{Proviso.} and they shall respectively be stockholders in such company, and

the individual property of each and every stockholder shall be liable to be levied upon and taken by virtue of any execution issued against the company in its corporate name, in the same manner as if the same was issued against all the stockholders in their respective names : *Provided*, Nothing herein contained shall allow any such company to hold any land for the purpose of growing or raising the raw material to be manufactured.

Election may
be holden at
any time.

Sec. 4. In case it shall at any time happen that an election of trustees be not made on the day when by the by-laws of the said company it ought to have been done, the said company for that cause shall not be dissolved, but it shall and may be lawful on any other day to hold an election for trustees, in such manner as shall be directed by the by-laws of said company.

Capital stock
&c.

Sec. 5. The capital stock of such company shall not exceed fifty thousand dollars, and it shall be lawful for the trustees to call upon and demand from the stockholders respectively, all such sums of money by them subscribed, at such time and in such portions as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments made thereon, if such payments shall not be made within sixty days after a notice requiring such payment shall have been published in such newspaper as aforesaid.

Forfeiture of
stock.

By-laws.

Sec. 6. The trustees of such company for the time being, shall have power to make and prescribe such by-laws, rules and regulations as they shall deem proper, respecting the management and disposition of the stock, property and estate of such company ; the duties of the officers, artificers and servants by them to be employed ; the election of trustees, and all such matters as appertain to the concerns of the said company ; to appoint such and so many officers, clerks and servants, for carrying on the business of the said corporation, and with such wages as to them shall seem reasonable.

Stock per-
sonal prop-
erty and trans-
ferable.

Sec. 7. The stock of such company shall be deemed personal estate, and transferable in such manner as shall be prescribed by the laws of the company ; and that for all debts which shall be due and owing by the company at any time, the persons composing such company shall be individually responsible ; and it shall not be lawful for such company to use their funds or any part thereof, in any banking transaction, or in the purchase of any stock of any bank, or in the purchase of any public stock what-

ever, or for any other purposes than those specified in such instrument as aforesaid.

Sec. 8. A copy of any certificate, filed in pursuance of this act, and certified to be a true copy by the secretary of state or his deputy, shall, together with this act, be received in all courts and places as legal evidence of the incorporation of such company. Certified copies legal evidence.

Sec. 9. The legislature may alter, amend or repeal this act, or dissolve any company organized under the provisions of this act, by a vote of two-thirds of each house. Right to amend or repeal.

Approved March 22, 1837.

[No. CXXIV.]

AN ACT to amend an act entitled "An act to repeal an act entitled 'An act to provide for establishing seats of justice.'"

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the provisions of the act to which this is amendatory, shall not prevent the governor from issuing his proclamation confirming and establishing the location of the seat of justice of any county in this state, where the same was located but not confirmed and established before the passage of the act to which this is amendatory, or in cases where commissioners have been appointed to locate any county seat or county seats. Governor not prevented from issuing proclamation confirming and establishing county seats in certain cases.

Approved March 22, 1837.

[No. CXXVI.]

AN ACT making appropriations for the year one thousand eight hundred and thirty-seven.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be paid to John S. Bagg, state printer, five thousand five hundred and eighty-five dollars and twenty-seven cents, for printing bills, daily journals and other documents for both houses of the legislature, during the present session, including arrearages for printing laws and journals and other documents published for the public of- For state printing.

fices during vacations; deducting from the aggregate amount twelve hundred and forty-eight dollars and thirty-seven cents, paid to him by fiscal agent per resolution of the third day of March, one thousand eight hundred and thirty-seven; to John Norton, jr., cashier of the Michigan state bank, four hundred and seventy-five dollars and forty-nine cents, for moneys disbursed for firewood for capitol, including the payment for glazing and other repairs to capitol, and the payment of all articles furnished therefor or otherwise; to Louis Fasquelle, forty dollars, for the translation of the governor's message from the English into the French language, delivered in January, one thousand eight hundred and thirty-seven; to S. L. Rood, eight hundred and ten dollars and seventy-five cents, for stitching and binding laws and journals passed by the state legislature, including all other work done by him as a bookbinder; to Samuel Bloom, fifty seven dollars and seventy-five cents, for a large union flag furnished the capitol; to John R. Williams, two hundred dollars, for his compensation (including all expenses) as one of the agents appointed by the state convention held at Ann Arbor in December, one thousand eight hundred and thirty-six, to convey the decision of the said convention to the president of the United States, in relation to the act of congress of the fifteenth of June, one thousand eight hundred and thirty-six, admitting Michigan into the Union on the terms therein expressed; to Hart L. Stewart, four hundred dollars, the other agent appointed by the same convention to go to Washington for the same object; to J. B. Vallee, thirty dollars, for the translation of the governor's message, in July, eighteen hundred and thirty-six; to Snow and Fisk, three hundred and one dollars and seventy-five cents, for stationery furnished for both houses of the legislature, including that for the executive office and department of state; to Morse and Brother, seven hundred and ninety-three dollars and three cents, for stationery furnished for both houses of the legislature, including that for the executive office and department of state; to E. Jones, seventy-five dollars, including carpeting and other furniture furnished for the executive office; to J. A. Armstrong, one hundred and eighty dollars and eighty-seven cents, for stoves and pipes furnished by him to capitol in one thousand eight hundred and thirty-five; to the Phoenix bank, in the city of New-York, one hundred and eighty-eight dollars and eighteen cents, a balance due on the second of November, one

Firewood
and repairs to
capitol.

Translation
of message.

Binding laws
and journals.

Union flag
for capitol.

Messengers
to Washing-
ton.

Translator of
message,
1836.

Stationery.

Carpeting,
&c.

Stoves for
capitol.

thousand eight hundred and thirty-six, on the payment of interest Interest on state loan.
on the state loan ; to Chas. A. Morton, for extra clerk hire, sixty Extra clerk hire.
dollars ; to Chase and Ballard, forty-six dollars and six cents, for
stove and pipes furnished the office of the secretary of state and Stoves for department.
treasurer ; to F. H. Stevens, three hundred and thirty dollars and
eighty cents, for a large iron safe for the office of the secretary of Iron safe.
state and state treasurer, and one of Nott's stoves and pipes for Stove for governor's office.
the governor's office, including the transportation upon the whole ;
to John Gibson, sixty-eight dollars and fifty cents, for his services
as crier of the supreme court ; to M. Paulding, twenty-six dollars Crier supreme court.
and seventy-five cents, in furnishing stove pipes, fixing and in- Stove pipes for capitol.
cluding all other articles for capitol ; to Thomas Rowland, thirty
dollars for drain to the great sewer on Larned street, with which Drain.
the drain from the capitol intersects ; to D. V. Bell, seventy-four
dollars and fifty cents, for extra clerk-hire for the senate ; to Extra clerk-hire.
Thomas Lee, fifty-six dollars, as brigade inspector of the second Brigade inspector.
brigade Michigan militia ; to F. Bochart, forty-five dollars for
seventeen days in copying bills and laws for the senate ; to Geo. Copying.
W. Dexter, fifty-one dollars due to him for services as sergeant-at- Sergeant-at-arms, senate.
arms of the senate ; to Deodate Hubbard, twenty-five dollars, for
services as door-keeper of the senate ; to H. Norton Strong, for Door keeper, senate.
services as enrolling clerk of the senate, twelve dollars ; to Abbot
Chandler, sixty dollars, for services as recording clerk of the Enrolling clerk, senate.
house of representatives for bringing up the journals and other Recording clerk, house.
proceedings of the house at the present session, to be paid when
the same shall be completed and filed in the office of secretary of
state, and his certificate obtained thereof. There shall be paid to
the two assistant messengers for the house of representatives two Assistant messengers, house.
dollars a day for each day's attendance during the present session.
The treasurer is hereby authorized to pay such amount for the
procuring seals for the several courts as required by the ninth Seals for courts.
section of " An act entitled an act to amend an act entitled ' An
act to amend an act to organize the supreme court and district
circuit courts.' " To D. M. Price, seventy dollars, the amount
paid by him as enrolling and engrossing clerk of the house of re- Assistant clerks, house.
presentatives for assistant clerks ; to J. W. Averill, one dollar ;
to G. Winchel, five dollars and fifty cents, for case for secretary Case for senate.
of the senate ; to Fisher and Marshall, six dollars, for case for
clerk of the house ; to Albert Chandler, four dollars and twenty- Case for house.
five cents, for money paid for stationery ; to James Hastin, ten Stationery.

Serving subpoenas. dollars, for expenses in going to Monroe and serving subpoenas by order of the house of representatives ; to Chas. M. Bull & Co.,
Stationery. for stationery for the house of representatives, seven dollars and fifty cents ; to Sylvanus Van Nest, for five days' services in attending and being detained as a witness before a committee of the house of representatives, fifteen dollars.

Witness.
Provisions. Sec. 2. There shall be paid to De Garmo Jones, nine hundred and thirty-nine dollars and eighty-five cents, the amount of his account for provisions and other articles advanced to the quartermaster department, in support of the supremacy of the laws of the late territorial government. There shall be paid to John Norton, cashier of the Michigan state bank, a sum not exceeding two thousand four hundred and fifty dollars, with interest, for moneys advanced by said bank for the pay and mileage of officers and members, and other incidental expenses appertaining to the state convention assembled at Ann Arbor on the fourteenth of December last, for the purpose of considering the provisions of the act of Congress of the fifteenth of June, one thousand eight hundred and thirty-six, "providing for the admission of the state of Michigan into the Union on the conditions therein expressed," as shall appear by the accounts duly certified by the fiscal agent appointed by said convention, which shall be paid out of the unexpended appropriated balance, by the act of twenty-sixth of July, one thousand eight hundred and thirty-six, "providing for the pay and mileage and other incidental expenses of a convention of delegates to assemble at Ann Arbor ; to John Norton, one hundred dollars, for his services as fiscal agent for both houses of the legislature ; to John Griffin, the sum of one hundred dollars, for services performed by him previous to the session of the legislature, for attending as a messenger at the executive office ; to John J. Adam, for recording the executive journal of the present session, and for preparing for the press and superintending the publication of the executive journal of one thousand eight hundred and thirty-five and six, and of the present session, and making an index for the same ; and for superintending the republication of four hundred and fifty copies of the index and documents to the journal, of one thousand eight hundred and thirty-five and six, the sum of seventy-five dollars ; to John J. Adam and George R. Griswold, each, for deficit in allowance of last year, for preparing for the press and superintending the publica-

Expenses of state convention.

Fiscal agent.

Executive messenger.

Publication executive journal.

Deficit pay of last year.

tion of the journals of one thousand eight hundred and thirty-five and six, the sum of thirty dollars; to John J. Adam, secretary of the senate, and Anthony Ten Eyck, clerk of the house of representatives, each, for preparing for the press and superintending the publication of the journals of their respective houses, with the accompanying documents, and making indices for the same, the sum of one hundred and ten dollars, which said amounts shall be paid to the secretary of the senate and clerk of the house of representatives, after the same shall have been completed as shall appear by the certificate of the secretary of state certifying the fact; to John J. Adam and Anthony Ten Eyck, ten dollars, for preparing a manual containing the rules of both houses, with a statistical statement of all acts of incorporations; to Lewis Bond, two dollars and fifty cents per diem, for his services in attending the library; to George R. Griswold, for services as assistant clerk, three dollars per day for every day employed.

Publication
journal of
both houses.

Preparing
legislative
manual.

Librarian.
Assistant,
clerk.

Newspapers.

Sec. 3. The following sums shall be paid to the publishers of newspapers for papers furnished: To George L. Whitney, four dollars for the Advertiser; to Kingsbury & Burnham, ten dollars for the Evening Spectator; to A. Morton, four dollars for the Monroe Times; to J. & B. Brown, junior, seven dollars for the Tecumseh Democrat; to R. Ingalls, four dollars for the Adrian Watch Tower; to E. P. Gardner, ten dollars for the Ann Arbor Argus; to the publisher of the Calhoun county Patriot, the sum of five dollars; to S. N. Gantt, seven dollars for the Democratic Balance; to A. G. Sparhawk, two dollars and seventy-five cents for Pontiac Courier; to the publisher of the Huron Observer, nine dollars; Mager and Cawdery, five dollars for the Constantine Republican; to H. Gilbert, three dollars for the Kalamazoo Gazette; to the publisher of the Marshall Times, two dollars; to the publisher of the Niles Gazette, two dollars; to the publisher of the St. Joseph Herald, one dollar; to Sheldon McKnight, two hundred and eighteen dollars and seventy-two cents, for disbursements made by him for postage; to the governor of this state, two thousand dollars for his annual salary, and five hundred dollars for house rent for the current year; to the secretary of state, one thousand dollars, his annual salary; to the auditor general, his annual salary, five hundred dollars; to the state treasurer, five hundred dollars, his annual salary; to the chancellor of the state, fifteen hundred dol-

Postage.
Governor.

Secretary of
state.
Auditor ge-
neral.
Treasurer.

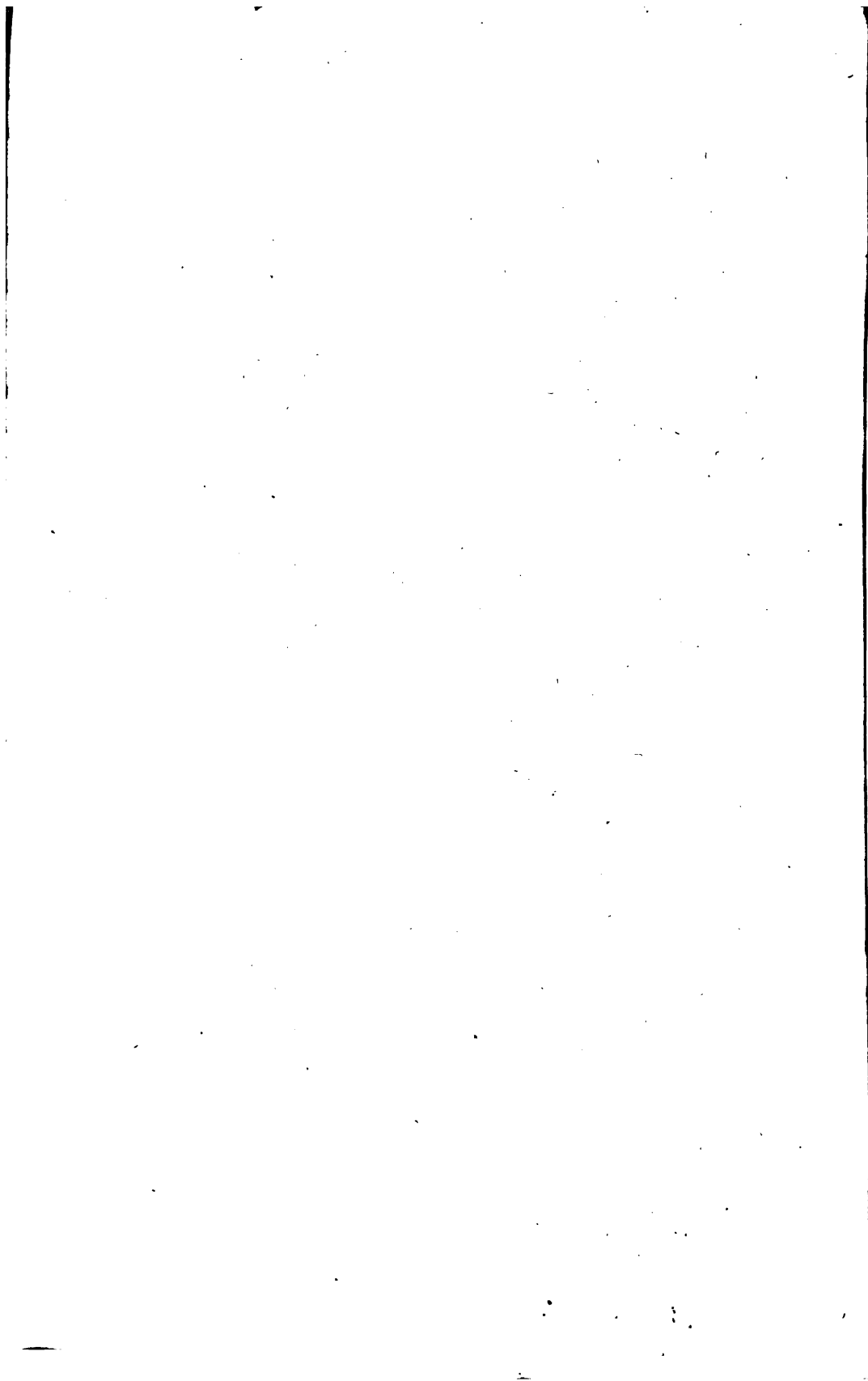
Chancellor.

Judge of supreme court. **lars, his annual salary; to the presiding judge of the supreme court, sixteen hundred dollars, his annual salary; to the two associate judges of the supreme court, each fifteen hundred dollars, their annual salary; for the revision of the laws, a sum not exceeding fifteen hundred dollars; to the attorney general, four hundred dollars, his annual salary; to the adjutant general, one hundred and twenty-five dollars, his annual salary; to the superintendent of public instruction, fifteen hundred dollars, his annual salary; to the bank commissioner, one thousand dollars, his annual salary; to the private secretary of the governor, five hundred dollars, his annual salary; to Morse & Brother, for stationery for both houses of the legislature, twenty dollars and fifty cents; to Charles Picquette, for a clock furnished the house of representatives, forty dollars; which said salaries and other compensations shall be paid to the governor, the secretary of state, auditor general, state treasurer, chancellor, presiding and associate judges of the supreme court, commissioner to revise the laws, attorney general, adjutant general, superintendent of public instruction, bank commissioner and private secretary to the governor, quarter yearly, or at the end of every three months, commencing on the first day of January, or from the time the incumbent has been appointed and shall have entered on the duties of his office, or from the time he has last been paid his quarter salary. There shall be placed at the disposal of the committee of ways and means a sum not exceeding one hundred and fifty dollars, to make further necessary improvements at the capitol. A sum not exceeding two hundred dollars is hereby appropriated to be drawn by and expended under the direction of the speaker of the house, for the purpose of repairs and alterations in the house of representatives, providing additional furniture for the same, and causing the same to be white-washed and cleaned, an accurate account of which expenditure shall be made at the adjourned session of the legislature; to the secretary of state, one hundred dollars, to insure the capitol against fire. There shall be a contingent sum, not exceeding two thousand dollars, placed at the disposal of the governor, made subject to his order, to pay unforeseen expenses, and for the distribution of the laws and journals, and to procure a seal press; a statement of which disbursements shall be laid by the auditor general before the legislature, at its next annual meeting. The said several sums of**

Associate judges.
 Revision of laws.
 Attorney general.
 Adjutant general.
 Superintendent public instruction.
 Bank commissioner.
 Governor's private secretary.
 Stationery.
 Clock.
 Committee ways and means.
 Repairs of house of representatives.
 Insurance.
 Contingent and.

money by this act appropriated, shall be paid by the fiscal agent, and he shall draw the same from the state treasury, out of any moneys therein not otherwise appropriated, which the auditor general shall audit and allow as in this act directed; and it is hereby expressly declared that no account for articles furnished the legislature shall be paid by the fiscal agent, unless such and every account allowed shall specify the items and the price charged for such item so furnished, and by whom audited; and the accounts so allowed shall be deposited by the fiscal agent with the auditor general of this state.

Approved March 23, 1837.



RESOLUTIONS.

[No. I.]

A JOINT RESOLUTION to provide for the appointment of a fiscal agent of the legislature.

Resolved by the Senate and House of Representatives of the State of Michigan, That John Norton, junior, cashier of the Michigan State Bank, be, and he is hereby, appointed fiscal agent of the legislature.

Approved January 10, 1837.

[No. VI.]

A JOINT RESOLUTION instructing our senators in congress relative to certain matters contained therein.

Whereas, the senate of the United States, in reference to the removal of the public deposits from the bank of the United States, and to the dismissal by the president of the secretary of the treasury for refusing to carry into effect the executive decision that they should be removed, did on the twenty-eighth day of March, one thousand eight hundred and thirty-four, adopt a resolution declaring "that the president in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of, both": And whereas, the said resolution was irregularly, illegally and unconstitutionally adopted by the senate, because it pronounced the president without any hearing or trial, to be guilty of an impeachable

Sensors in congress instructed to vote for the expunging resolution.

offence, of which the senate thus adjudging him guilty without going through the forms of impeachment and defence, constituted the legal tribunal for his trial, whenever the house of representatives might arraign him for that purpose ; and could not constitutionally pronounce such judgment without an adherence to the regular forms of trial : And whereas, the senate in the adoption of the aforesaid resolution, assumed to itself the character of accusers, of witnesses and of judges, contrary to the constitution of the country, and in violation of all the principles of law and justice, before any impeachment by the house of representatives, and did thus commit a breach of the privileges of the house, and prejudge the question, which as a judicial tribunal it might have been called upon to decide after a fair trial : Therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in congress be, and they are hereby, instructed to vote for the expunging of the aforesaid resolution from the journal of the senate of the United States.

Resolved, That the secretary of state be, and he is hereby, instructed to transmit to each of our senators in congress a copy of the foregoing resolution.

Approved January 24, 1837.

[No. VIII.]

A JOINT RESOLUTION instructing our senators and representative relative to light-houses and harbors.

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in congress be instructed, and our representative requested to use their influence to procure the passage of a law making appropriations for light-houses at New Buffalo, Kalamazoo river, north and south Black river, Grand river, Saginaw river and at Windmill Point, at the outlet of Lake St. Clair, and for the improvement of the harbors at the mouth of said rivers ; also at New Buffalo and Havre bay and the mouth of Stoney creek in Monroe county, and Clinton river in Macomb county ; also to build a light-house at the mouth of Ste. Marie river ; also to remove the bar in lake George in the straits of Ste. Marie, and to improve the harbor at Mackinaw.

Approved January 26, 1837.

U. S. senators instructed and representative requested to endeavor to procure appropriations for certain light-houses, &c.

[No. XII.]

A RESOLUTION to authorize the fiscal agent to advance to John S. Bagg a certain sum of money.

Resolved by the Senate and House of Representatives of the State of Michigan, That the fiscal agent of the legislature be authorized to advance to John S. Bagg twelve hundred and forty-eight dollars and thirty-seven cents, for the printing in pamphlet form, the journals of the senate and house of representatives, for the year 1836, which said sum the auditor general shall settle and allow : the same to be deducted from the amount that shall be appropriated to the said John S. Bagg in the general appropriation bill in the settlement of his account.

Authorizing
fiscal agent
to advance a
certain sum
of money,
&c.

Approved January 31, 1837.

[No. XVII.]

A JOINT RESOLUTION relative to the state library.

Resolved by the Senate and House of Representatives of the State of Michigan, That the library belonging to the state shall be, and the same is hereby, placed under the charge of the private secretary of the governor, for the benefit and accommodation of the members of both houses of the legislature, subject to such rules and regulations as he may establish under the direction of the governor and approved of by the legislature :

State library
placed under
direction of
executive se-
cretary.

Rules and
regulations
adopted.

And the said secretary is hereby directed to cause all books belonging to the library to be forthwith accounted for or returned, as far as it is practicable, and to exhibit a statement of all that are missing, as near as he can ascertain ; and to report the rules and regulations by which he shall be governed in the letting of books.

Books to be
accounted
for.

Statement
exhibited.

Report to le-
gislation.

Approved February 15, 1837.

[No. XXVI.]

A JOINT RESOLUTION authorizing a loan to the Detroit and Saint Joseph railroad company.

Resolved by the Senate and House of Representatives of the State of Michigan, That the treasurer of the state be, and he is hereby, authorized to loan on the order of the governor to the president and directors of the Detroit and Saint Joseph railroad company, the sum of twenty-five thousand dollars, out of the five per cent. fund, at a rate of seven per cent. interest for the period of ninety days, upon such security as the auditor general may deem ample and satisfactory: *Provided,* That the auditor general shall be required to take as such security such acceptance or acceptances as the bank in which said money is now deposited shall approve of and place to the credit of the state.

Loan to Detroit and St. Joseph railroad company, interest

Term of time
Proviso.

Approved March 3, 1837.

[No. XXXIX.]

A JOINT RESOLUTION requiring the attorney general to reside at the seat of government.

Resolved by the Senate and House of Representatives of the State of Michigan, That it is made the duty of the attorney general of this state, to reside at the seat of government; and in case he shall fail so to do, his office shall be deemed to have been vacated.

Attorney general to reside at seat of government.

Approved March 13, 1837.

[No. LXV.]

A JOINT RESOLUTION relative to the adjourned session of the legislature.

Resolved by the Senate and House of Representatives of the State of Michigan, That when this legislature adjourns, it will adjourn to meet at the capitol in the city of Detroit on the ninth day of November next.

Adjourned session.

Approved March 20, 1837.

[No. LXXIII.]

RESOLUTION relative to the River Raisin and Lake Erie railroad company.

Resolved by the Senate and House of Representatives of the State of Michigan, That the attorney general be, and he is hereby, instructed to commence proceedings against the River Raisin and Lake Erie railroad company, for a violation of their charter, by quo warranto or otherwise as he shall deem advisable.

Proceedings
against River
Raisin and
Lake Erie
railroad com-
pany.

Approved March 21, 1837.

[No. LXXXIII.]

A RESOLUTION to remit the payment of a state tax, by the inhabitants of the counties of Chippewa and Mackinac.

Resolved by the Senate and House of Representatives of the State of Michigan, That the taxable inhabitants of the counties of Chippewa and Mackinac be, and they are hereby, discharged from all liability to pay the state tax required of them to be paid for the year 1836; and the officers in said counties, directed to collect said tax, are hereby instructed to desist from the collection of the same.

State tax re-
mitted.

Approved March 21, 1837.

[No. LXXXIX.]

A JOINT RESOLUTION relative to imprisonment for debt.

Resolved by the Senate and House of Representatives of the State of Michigan, That the commissioner who has in charge a revision of the laws of the state, be requested not to embody the principle of imprisonment for debt in the system of collection laws, which he may report for the adoption of the legislature; but to provide for the issuing of summary process for the commencement of suits and for the execution of judgments, unless the same shall be secured according to law.

Imprison-
ment for
debt not to
be embodied
in R. S.

Approved March 21, 1837.

[No. XCV.]

A RESOLUTION relative to the revision of the laws, and for other purposes.

Resolved by the Senate and House of Representatives of the State of Michigan, That the commissioner appointed to prepare, digest and arrange a code of laws for the government of the people of this state, be allowed further time to report to this legislature the result of his labors, viz : until the ninth day of November next ; that he is hereby authorized to employ one or more competent clerks to aid him in his labors, whose compensation shall be provided for by the future action of the legislature ; and that said commissioner be, and he is hereby, further authorized to cause such of the laws as he may digest and prepare, in case he should deem the same expedient, to be printed in the form of bills, in order that the same may be laid upon the tables of the members of both houses, in a printed form, at the commencement of the adjourned session of the legislature, or as soon thereafter as may be.

Approved March 21, 1837.

[No. CVII.]

A RESOLUTION relative to the securities to be furnished by banking associations.

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general, under the direction of the attorney general, be, and he is hereby, required to make and prescribe the necessary blank forms of securities to be furnished by banking associations under the provisions of "An act to organize and regulate banking associations," and to forward without delay a suitable number of copies thereof in a printed form to the clerks and treasurers of the several counties of this state, to be by them used for the purposes hereby intended.

Approved March 22, 1837.

[No. CXXII.]

A RESOLUTION giving certain instructions to the state printer.

Resolved by the Senate and House of Representatives of the State of Michigan, That the state printer be, and he is hereby, Printing of certain laws authorized. required to print in pamphlet form without delay, three thousand copies of an act entitled "An act to organize and regulate banking associations," and the several acts and resolutions amendatory or in relation thereto; the act entitled "An act to create a fund for the benefit of the creditors of certain moneyed corporations," and the act or acts in addition or amendatory thereto, and the several acts relating to a board of internal improvements, and to provide for the loaning of a certain sum of money by and in behalf of the people of this state; and that when said acts printed in pamphlet form, are published in manner aforesaid, it shall be the duty of the secretary of state to cause the same to be distributed in the same manner as the laws of this state, published in form and manner aforesaid, are or may be authorized and required to be published.

Approved March 22, 1837.

[No. CXXIII.]

RESOLUTION relative to the appointment of commissioners on the subject of the state penitentiary.

Resolved by the Senate and House of Representatives of the State of Michigan, That three commissioners be appointed by Commissioners, powers, &c. the executive, whose duty it shall be to visit and examine such places in this state as in their opinion present the greatest advantages for the location of a state prison, ascertain such facts as they may deem essential respecting the natural advantages of such places, and the peculiar advantages they furnish; that they be authorized to receive propositions from individuals for a site, and for furnishing materials and erecting such building or buildings as may be necessary for said prison; and also report what plan is preferable, as well as what system of prison discipline is, in their view, the most humane and most efficient for answering the ends of the institution; and that they report in the premises at the

LAWS OF MICHIGAN.

next session of the legislature, and that each of said commissioners be allowed three dollars per diem for his services while actually engaged in performing the duties aforesaid.

Approved March 22, 1837.

[No. CXXV.]

A RESOLUTION to provide for the publication and distribution of the laws.

Publication. 1. *Resolved by the Senate and House of Representatives of the State of Michigan,* That the state printer be, and he is hereby, authorized and required to publish, in pamphlet form, three thousand copies of the laws of a general nature, passed at this session of the legislature, for distribution.

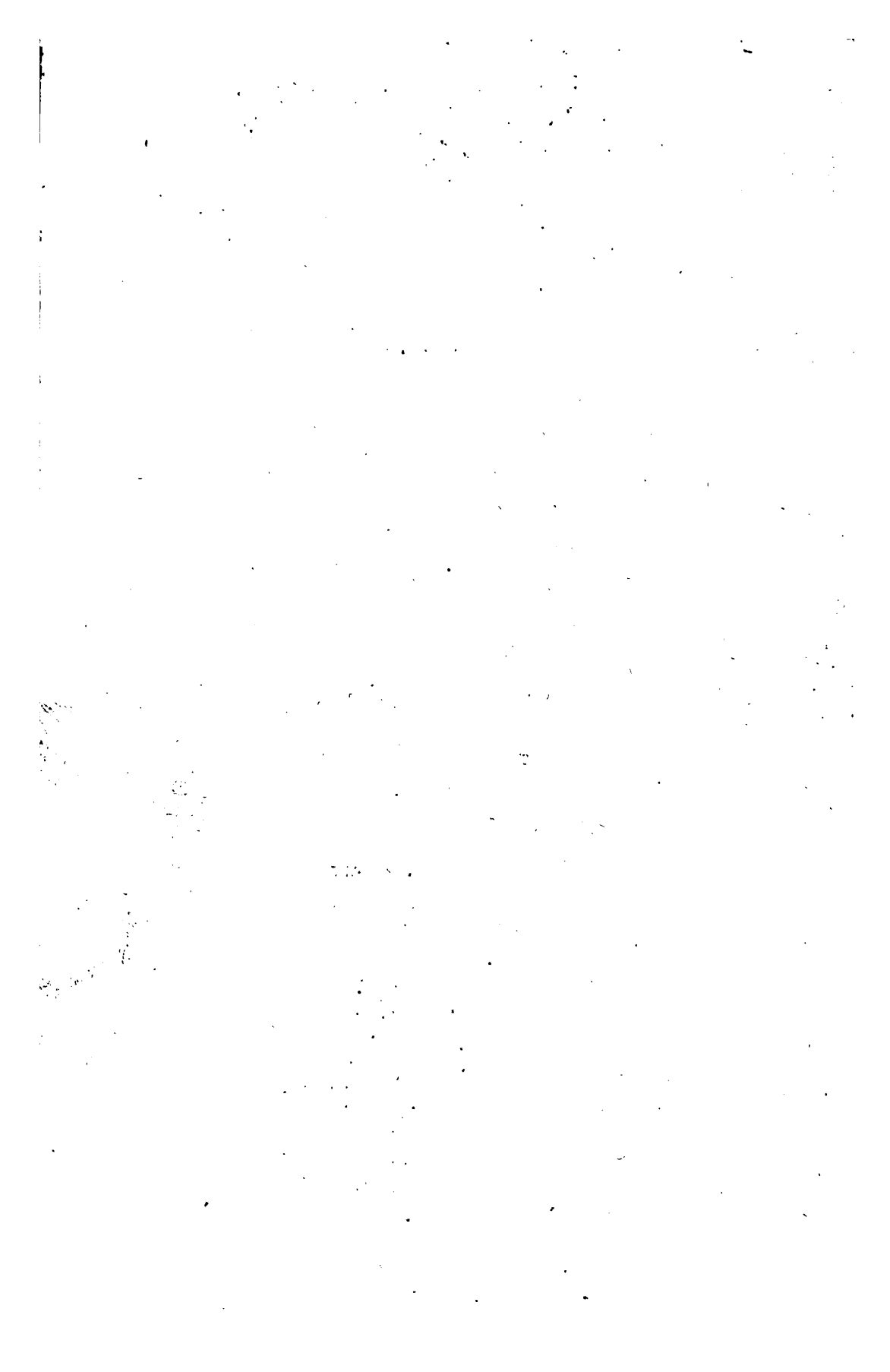
Secretary of state, duty. 2. *Resolved,* That the secretary of state be, and he is hereby, required to furnish copies of the same to the state printer, together with an index and side notes.

Expense of distribution. 3. *Resolved,* That the sum of not exceeding two hundred dollars be, and the same is hereby, appropriated to defray the expense of such distribution and index out of any money in the treasury not otherwise appropriated.

Approved March 3, 1837.

ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN;
PASSED AT THE SPECIAL SESSION OF
1837.

Begun and held at the city of Detroit, on the 12th June.



LAWS OF MICHIGAN.

[No. I.]

AN ACT to enable the inhabitants of the township of Orange to elect township officers, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the inhabitants of the township of Orange, in the county of Macomb, who are qualified to vote for township officers, shall assemble together and hold a township meeting at the house of Louis B. Chapiton, in said township, on the thirtieth day of June, and elect township officers and justices of the peace for said township; and the said election shall be conducted and certified in manner prescribed by law for holding the annual township meetings, and electing township officers and justices of the peace.

Sec. 2. The assessors chosen in conformity with the provisions of the preceding section of this act, shall, before the fifteenth day of July next after their election, make out and complete the assessment of said township in the manner prescribed by law, and shall deliver the same to the township clerk, to be retained in his office for the use of the commissioners of highways, until the fifteenth day of August, when the township clerk shall deliver the same to the supervisor of said township.

Sec. 3. The commissioners of highways of said township shall meet at the township clerk's office three days after the time prescribed in the preceding section of this act, for delivering the assessment roll to the township clerk, and assess the labor to be

performed on highways, agreeably to the provisions of the act entitled "An act to regulate highways," approved April 17th, 1833.

Certain pro-
ceedings le-
galized.

Sec. 4. The proceedings of the inhabitants of the township of Hickory, in said county, in holding the township meeting on the first Monday in April last, are hereby legalized as far as regards the place at which said township meeting was held, any law to the contrary notwithstanding.

Approved June 17, 1837.

[No. II.]

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to amend an act to organize the supreme court and establish circuit courts,' approved July 26, 1836."

Time of
holding cir-
cuit court for
Livingston
county.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That from and after the passage of this act, the circuit court for the county of Livingston, shall be held on the first Tuesday of May and the Wednesday after the first Tuesday in November, in each year.

Part of for-
mer act re-
pealed.

Sec. 2. So much of the act to which this is amendatory as contravenes the provisions of this act, is hereby repealed.

Approved June 21, 1837.

[No. III.]

AN ACT to provide for proceedings in chancery against corporations, and for other purposes.

Upon filing
of bill by at-
torney gener-
al, chancellor
may restrain
by injunction
corporations
in certain
cases.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That upon the filing of a bill or petition by the attorney general in the court of chancery, the chancellor shall have power to restrain by injunction any corporation from assuming or exercising any franchise, liberty or privilege, or transacting any business not allowed by its charter; and in the same manner to restrain any individuals from exercising any corporate rights, privileges or franchises not granted to them by some law of this state.

Sec. 2. Such injunction may be issued at any time upon satisfactory proof that the corporation or persons complained of have usurped, exercised or claimed some franchise, liberty, privilege or corporate right not granted to them by law, and that appropriate proceedings have been instituted at law to oust them of the same; and any injunction so issued may be continued until judgment at law shall have been rendered in the premises.

Time and manner of issuing injunctions.

Sec. 3. Whenever any corporation having banking powers shall become insolvent or unable, or shall refuse to pay its debts, or shall have violated any of the provisions of its charter or act of incorporation, or any other law binding on the same, the chancellor may by injunction restrain such corporation and its officers from exercising any or all of its corporate rights, privileges or franchises, and from collecting or receiving the whole or any of the debts or demands due or to become due the same, and from paying out or in any way transferring or delivering to any person any of the moneyed property or effects of such corporation, and likewise restrain any person or persons from transferring in like manner the whole or any part of his or their property or effects, who may be directly or indirectly liable for the final payment of the debts and liabilities of such corporation, until otherwise ordered.

Corporations with banking powers to be restrained in certain cases, &c.

Sec. 4. Such injunction may be issued on the application of the attorney general in behalf of the state, or of any creditor or stockholder of such corporation, upon bill or petition filed for that purpose, and upon satisfactory proof of any fact set forth in the preceding section as a prerequisite thereto.

Injunction issued on application of attorney general or individual, &c.

Sec. 5. Upon such application being made, and at any stage of the proceedings thereon, the court may appoint a receiver or receivers to take charge of the property and effects of such corporation, and such receiver shall thereupon be vested as trustee with all the real and personal estate or liabilities and securities of such corporation, and shall have power to collect, sue for and recover all debts and demands due, or liabilities and securities held in pledge for the payment of the debts of such corporation, and all property belonging to the same; and such receiver or receivers shall in all respects be subject to the direction and control of the court, and shall receive such remuneration as the chancellor shall deem reasonable.

Appointment of receivers, as trustees, &c.

Remuneration.

Duty of receiver.

Report.

Publication, &c.

Sec. 6. It shall be the duty of such receiver to examine the affairs of such corporation, and to communicate information thereof to the executive, to be by him published in the state paper; he shall set forth the amount of indebtedness of such corporation, the amount due thereto from individuals, firms or companies, particularly naming them, together with all necessary information touching the same.

Powers of chancellor under this act.

Sec. 7. In every case where proceedings may have been instituted against a corporation under the provisions of this act, the chancellor may compel such corporation, its officers, agents or stockholders, to discover any stock, property, money, things or choses in action or effects alleged to belong or to have belonged to it or in any manner liable for the payment of its debts or liabilities; the transfer and disposition thereof, and the consideration and all the circumstances of such disposition, and every such officer, agent or stockholder, may be compelled at the discretion of the chancellor to answer any bill filed to obtain any such discovery, notwithstanding such answer may expose the corporation to a forfeiture of any or all of its corporate rights; and the chancellor shall have power in case of insolvency or a violation of its charter, to decree a dissolution of the corporation,

Approved June 21, 1837.

[No. IV.]

AN ACT to amend an act entitled "An act to provide for the organization and government of the university of Michigan."

Chancellor. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the board of regents shall elect a chancellor of the university of Michigan, who shall not be a member of the board, and who shall have power to prescribe his duties.

President. Sec. 2. The governor of this state shall be the president of the board of regents; and in his absence the board may elect one of their number president pro tem.

Powers of regents. Sec. 3. The regents shall have power to assign to any professor appointed agreeably to the act to which this is amendatory, the duties pertaining to any vacant professorship of the

university, and to establish branches thereof, without further authority of the legislature, in the several counties of this state, under the regulations and restrictions in said act recited.

Sec. 4. The board of regents shall have authority to expend so much of the interest arising from the university fund as may be necessary for the purchase of philosophical and other apparatus, a library and cabinet of natural history. Interest of university fund.

Sec. 5. So much of the act to which this is amendatory as contravenes the provisions of this act, is hereby repealed. Repeal.

Approved June 21, 1837.

[No. V.]

AN ACT to vacate a part of the village plat of Ann Arbor.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the addition to the village plat of Ann Arbor contained and included in section twenty-eight, township two south, of range six east, according to the plat of the Ann Arbor land company's addition to the said village of Ann Arbor, be, and the same is hereby void and vacated. Vacating part of Ann Arbor village plat.

Approved June 21, 1837.

[No. VI.]

AN ACT to authorize the Maumee branch railroad company to pass upon the Havre branch railroad in connecting with the Erie and Kalamazoo railroad.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of enabling the Maumee branch railroad company more conveniently to connect with the Erie and Kalamazoo railroad, said company is hereby authorized to connect with the Havre branch railroad in the village of Havre, and use said Havre branch railroad under such regulations and for such tolls as shall be established by the legislature. Company authorized to connect with Havre branch railroad, use, &c.

Approved June 21, 1837.

[No. VII.]

AN ACT amendatory to an act entitled "An Act to regulate general elections."

Amendment,
election to be
holden on 1st
August for
member of
congress.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That an act entitled "An act to regulate general elections," approved the twenty-first of March, one thousand eight hundred thirty-seven, be so amended that the first election next ensuing for a representative to the congress of the United States, shall be holden on Monday the twenty-first of August next and on the following day ; and every other election thereafter for a representative or representatives to the congress of the United States, and for the purposes of filling such vacancies as may occur, which the public interest shall not require to be previously filled, shall be held every two years, commencing on the first Monday of November and the following day, in the year one thousand eight hundred and thirty-eight, which said elections shall be conducted and the result certified as directed by the act to which this is amendatory.

First section
to mean
fourth sec-
tion.

Sec. 2. The said act to which this is amendatory shall be so further amended, that the words "first section" where it last occurs in the twenty-eighth section of said act, shall be so construed as to mean the "fourth section" of the same act.

Approved June 22, 1837.

[No. VIII.]

AN ACT relative to the loan of certain sums of money.

Previous
loan made
valid, &c.

Sec. 1 *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the loan of the sum of twenty thousand dollars, heretofore contracted by the board of supervisors of the county of Monroe, at a rate of interest not exceeding seven per centum per annum, for a period not exceeding twenty years, for the purpose of erecting a court-house, is hereby declared to be valid and effectual, and the payment thereof made binding and obligatory upon the said county ; and that for the purpose of completing the court-house of said county, the said board of supervisors be, and they are hereby, authorized to contract a loan at the same rate of interest and for the like pe-

Further loan
authorized.

riod of time of a further sum not exceeding ten thousand dollars :

Provided, That it shall not be competent for the said board of supervisors to avail themselves of the provisions of any law heretofore passed authorizing said county to loan a certain sum of money. Proviso.

Sec. 2. The supervisors of the said county are hereby authorized, and it is made their duty, to provide for the payment of such sums, whether of principal or interest, that may accrue under the aforesaid loans, in the same manner as is provided for in the case of other contingent expenses of said county. Supervisors to provide for payment of loan, &c.

Approved June 22, 1837.

[No. IX.]

AN ACT suspending for a limited time certain provisions of law, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That every provision of law in force, requiring or authorizing proceedings against any bank in this state, with a view to forfeit its charter or wind up its concerns, or which requires such bank to suspend its operations and proceedings, in consequence of a refusal to pay its notes or evidences of debt in specie, is hereby suspended until the sixteenth day of May next. Suspension of certain provisions of law relative to banks for a limited period.

Sec. 2. In cases where notes or drafts discounted at any bank which shall avail itself of the provisions of this act may be put in suit, it shall be competent for the maker or endorsers of such notes or drafts to set off the notes of such bank in discharge of the notes or drafts so discounted, in whatever name the same may be sued ; and to this end the officers of all such banks are required to endorse upon the notes or drafts so discounted by them, the name of the bank discounting the same and when discounted : *Provided*, That this section shall not be construed to exempt the defendant from all costs of suit occurring previous to the pleading of such set off, unless the notes so set off were tendered either by the maker or endorser of said note or draft previous to prosecution. Makers and endorsers may set off notes of banks, &c.

Sec. 3. The amount of notes or bills issued and in circulation of the several banks of this state, shall not hereafter exceed the Officers to endorse on notes discounted the name of bank discounting same. Amount of notes in circulation limited.

following amounts respectively: Those having capitals paid in to the amount of twenty thousand dollars, a circulation of thirty thousand dollars; those having a capitals paid in of thirty thousand dollars, a circulation of forty-five thousand dollars; those having capitals paid in to the amount of fifty thousand dollars, a circulation of seventy-five thousand dollars; those having capitals paid in to the amount of sixty-five thousand dollars, a circulation of eighty thousand dollars; those having capitals paid in to the amount of one hundred thousand dollars, a circulation of one hundred and thirty thousand dollars; those having capitals paid in to the amount of one hundred and fifty thousand dollars, a circulation of one hundred and seventy-five thousand dollars; those having capitals paid in to the amount of two hundred thousand dollars, a circulation of two hundred thousand dollars; those having capitals paid in to the amount of two hundred and fifty thousand dollars, a circulation of two hundred and fifty thousand dollars; those having capitals paid in to the amount of three hundred thousand dollars, a circulation of three hundred thousand dollars; those having capitals paid in to the amount of four hundred thousand dollars, a circulation of four hundred thousand dollars; those having capitals paid in to the amount of four hundred and fifty thousand dollars, a circulation of four hundred and fifty thousand dollars: But in all cases where a bank has a branch located at another place, that portion of the whole capital actually employed at each place of business, shall be taken and deemed the capital thereof, under the provisions of this section.

In case of branches, capital at each place shall be deemed capital under this act.

Such corporation during suspension not to declare or pay dividend, &c.

Sec. 4. No such corporation shall directly or indirectly divide or pay to or among its stockholders, or to any person for them, any dividends, interests or profits whatever, until it shall resume the payment of its notes and evidences of debt in specie.

No officer, agent, &c. during suspension shall sell specie, &c. Purchase bills of other banks at discount.

Sec. 5. No bank, or officer or agent of a bank, shall, during the suspension of specie payments by such bank, directly or indirectly, sell, dispose of or part with at premium, gold or silver bullion or specie, or directly or indirectly, purchase its own notes or bills, or the notes or bills of any other bank at a discount; or directly or indirectly, knowingly furnish any person with specie, for the purpose of purchasing bank bills at a discount, or directly or indirectly send out of the state any bullion or specie; and every violation of this section shall be a forfeiture of its charter;

Send specie out of the state.

Violation

and it shall be the duty of the bank commissioner, in all cases where he thinks the public good requires it, to demand satisfactory security of the directors of any bank availing itself of the provisions of this act for the redemption of its notes in circulation; and if said directors shall refuse to give such security, satisfactory to said commissioner, such bank shall be deprived of all benefits proffered by this act, and said commissioner shall forthwith proceed to wind up the concerns thereof.

shall be forfeiture. Bank commissioner may require security.

Bank refusing may be wound up.

Sec. 6. Each of the banks shall transmit monthly to the bank commissioner, and to the secretary of state, a statement under oath of its condition, in such form as the bank commissioner shall prescribe, abstracts of which statements shall be published by said bank commissioner in the state paper.

Banks to transmit monthly to bank commissioner and secretary of state statement of condition under oath.

Published in state paper. Income of bank fund not to be paid to corporations under safety fund

Sec. 7. No part of the income of the "Bank fund" shall be paid to the corporations by which said fund was created, until they shall have resumed the payment of their debts in specie.

Sec. 8. This act shall not take effect in favor of any bank not subject to the act entitled "An act to create a fund for the benefit of the creditors of certain moneyed corporations," passed March 28, 1836, unless such bank shall signify its assent to the provisions of this act, and the provisions of the act last above mentioned and referred to, so far as regards the visitation of the bank commissioner for the purposes specified in said act; and to ascertain their transactions in the sale of specie or bullion, which said assent shall be given within thirty days by an agreement under its corporate seal to be deposited with the secretary of state.

This act not to take effect in favor of banks not subject to safety fund act, &c.

Assent to be given within thirty days, deposited with secretary of state.

Sec. 9. It is hereby made the duty of the bank commissioner to require from the presidents and cashiers of the banks of this state, whose concerns he shall examine, an oath or affidavit, that the bank under their management is not directly or indirectly concerned with or connected in partnership with any broker or brokers, or any office or agency, whose business is the purchase of the notes of the banks of this state or any other state, at a discount or the selling of specie at a premium; and if such officers of any such bank or banks, refuse to make such oath or affidavit, or if the bank commissioner is satisfied by proof that such bank or banks is or are concerned with or connected in partnership with any such broker or brokers or office or agency, such bank

Bank commissioner to require from presidents and cashiers affidavit that this bank is not concerned in any way with broker or brokers, &c. in buying notes at discount, selling specie at premium.

Officers refusing, &c. bank to be proceeded against, &c.

or banks shall be deprived of the privilege conferred by this act, and shall be proceeded against as if this act had never passed.

Bank commissioner to take prompt measures to forfeit charter, &c. of banks in insolvent or dangerous situation.

Sec. 10. Notwithstanding the provisions in this act contained, it shall be and is the duty of the bank commissioner to take prompt and efficient steps, according to law now or hereafter to be in force, to forfeit the charter and wind up the concerns of any bank, which he shall find to be in dangerous or insolvent circumstances.

Banks not subject to safety fund and availing themselves of this act, to pay into state treasury proportion of salary to bank commissioner.

Sec. 11. The several banks of this state not subject to the provisions of the law creating a fund for the benefit of certain moneyed corporations, and which shall avail themselves of the provisions of this law, shall severally be required to pay into the treasury of this state, such sum in proportion to the amount of their stock paid in as appears by the report of the bank commissioner accompanying the message of the governor, as shall in the whole amount to the sum of seven hundred dollars, which sum shall be paid in quarterly payments to the bank commissioner as an additional compensation for his services.

Bank commencing prior to May 38, entitled to benefit of this act. Provision.

Sec. 12. Every bank which may hereafter commence operations previous to the sixteenth of May, A. D., 1838, shall be entitled to the provisions of this act: *Provided*, That the amount of bills and notes which any one of said banks may have in circulation, shall not exceed once and an half the amount of specie paid in and actually contained in the vaults of said bank.

Notes of banks subject to this act, &c. shall be received at par for taxes due state.

Sec. 13. The notes or bills of all banks of this state subject to the provisions of this act, and against which an injunction shall not have been granted, shall, until the legislature shall otherwise direct, be received at their full face and value, in payment of all taxes due and becoming due to the state.

Act take effect immediately and in force till 16th May next. 3d and 8th sections in force until repealed. Power to repeal, &c.

Sec. 14. This act shall take effect immediately, and shall continue in force until the sixteenth day of May next, excepting the third and eighth sections thereof, which shall continue in force until altered or repealed.

Sec. 15. The legislature of this state shall have power to repeal, alter or amend this act.

Approved June 22, 1837.

[No. X.]

AN ACT to amend an act entitled "An act concerning mortgages," approved April 19, 1836.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in case where lands or premises heretofore or hereafter mortgaged to secure the payment of the purchase money of such land or premises, shall be sold in virtue of a special power for that purpose, contained in the mortgage, in conformity to the provisions of the act to which this act is amendatory, it shall be lawful for the mortgagor of such land or premises, his heirs, executors, administrators or assigns, within one year after such sale, to redeem such land or premises so sold, by paying to the purchaser or purchasers, his or their ex-
Lands mortgaged for purchase money and sold on mortgage may be redeemed within one year.
 ecutors, administrators or assigns, or to the proper sheriff, under sheriff or deputy sheriff, the sum of money which may have been paid by such purchaser or purchasers, together with interest on such purchase money, at the rate of ten per centum per annum from the time of such sale; and such payment being made as aforesaid, the said sale and the certificate required to be given by the act to which this act is amendatory, shall be null and void; and the sheriff and his bail shall be responsible for the faithful payment to the purchaser aforesaid of all moneys received by him or any of his deputies as aforesaid.
Payment, &c.
Sheriff and bail responsible, &c.

Sec. 2. That all acts or parts of acts contravening the provisions of this act be, and the same are hereby, repealed.
Acts contravening this act repealed.

Approved June 22, 1837.

[No. XI.]

AN ACT amendatory to an act entitled "An act to authorize the board of supervisors of certain counties therein named to borrow certain sums of money, and for other purposes," approved 24th March, 1836.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of said act as relates to the county of Berrien be, and the same is hereby, so amended, that the board of supervisors of said county may bor-
Portion of act relating to Berrien county amended.

row the money specified in the sixth section of said act, for a term of time not less than five years or more than twenty years.

Approved June 22, 1837.

[No. XII.]

AN ACT to amend an act entitled "An act appointing commissioners to lay out and establish a state road from Dexter in the county of Washtenaw, to Lyons, at the mouth of Maple river in the county of Ionia," approved February 16th, 1837.

Harvey T. Lee appointed commissioner of a state road vice A. Crossman.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Harvey T. Lee be, and he is hereby, appointed commissioner in the place of A. Crossman, to lay out and establish a state road from Dexter in the county of Washtenaw, to Lyons, at the mouth of Maple river in the county of Ionia, as provided for by the act of which this is an amendment, approved February 16th, 1837.

Approved June 22, 1837.

[No. XIII.]

AN ACT to amend an act entitled "An act to provide for the disposition of the university and primary school lands, and for other purposes."

Seventh section of original act amended.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the seventh section of the act to which this is amendatory, be so amended as that only one-tenth of the purchase money shall be required to be paid in cash at the time of sale, and one-tenth annually thereafter, with interest on the amount unpaid, at the rate of seven per cent. per annum, until the whole is paid.

Superintendent public instruction may require security of purchaser in certain cases.

Sec. 2. The superintendent of public instruction is directed and required, whenever in his opinion the interest of the state will not be secured by the payment of one-tenth of the purchase money, to require of the purchaser such security for the payment of the

remainder of the purchase money, as in his opinion will secure the state against loss.

Approved June 22, 1837.

[No. XIV.]

AN ACT to amend an act entitled "An act appointing commissioners to lay out and establish certain state roads," approved March 26th, 1836.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the eleventh section of the act to which this is amendatory, be so amended that David J. Daniels be appointed a commissioner in place of Daniel Thomas, deceased.

Eleventh section of original act amended. David J. Daniels, vice Daniel Thomas, deceased.

Approved June 22, 1837.

[No. XV.]

AN ACT to amend an act entitled "An act amendatory and in addition to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' approved March 20th, 1837."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the third and seventh sections of the act to which this is amendatory are hereby repealed.

Third and seventh sections of original act repealed.

Sec. 2. All assessments made in any of the townships of this state by township officers elected on the first Monday of April, 1837, shall be, and the same are hereby, legalized and rendered valid; and in case the assessors in any township in the several counties of this state have failed to make an assessment of the property in such township for the year 1837, it shall be lawful and it is hereby made the duty of the assessors in any such township to cause an assessment to be made and completed of the real [and] personal property in their several townships in the manner prescribed by the existing laws, and deliver to the township clerk a certified copy of an assessment roll, on or before the first day of September next; and as soon as the assessment roll shall

Certain assessments legalized.

Case of failure of assessment.

Certified copy delivered to township clerk.

Meeting of
commission-
ers of high-
ways.

Apportion-
ment of high-
way labor.

Improve-
ments and
buildings ex-
empt to a cer-
tain extent.

Excess sub-
ject to taxa-
tion.

Proviso.

Construction
of third sec-
tion of cer-
tain act.

Extension of
provisions of
fifth section
of original
act in certain
cases.

have been completed, it shall be the duty of the commissioners of highways in such township to meet at such place as they shall appoint, and shall proceed to apportion the necessary amount of highway labor to be done in such township, as near as may be in accordance with the provisions of the existing laws regulating highways.

Sec. 3. In all assessments for taxation of land actually used and occupied for farming purposes, all improvements of the value of five hundred dollars or under, and buildings erected thereon of the value of two hundred and fifty dollars or under, shall be exempt from assessment and taxation; and should the said improvements exceed five hundred dollars, and the said buildings exceed two hundred and fifty dollars, then and in such case the excess over and above the said sums shall be subject to assessment and taxation: *Provided, however,* No land or lands shall be assessed at a less sum than three dollars per acre; all assessments not made pursuant to the provisions of this section, shall be equalized by the assessors of the several townships of this state, by the twentieth day of August next.

Sec. 4. The third section of the act entitled "An act to amend an act amendatory to the act herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes," approved 21st March, 1837, shall be so construed as to require and make it the duty of every county treasurer in the several counties to pay the said tax in said section specified, into the state treasury within sixty days, as by law now directed.

Sec. 5. The provisions of the fifth section of the act to which this is explanatory [in addition] and amendatory, requiring sheriffs and county clerks of the several counties to give additional bonds to the auditor general, shall be extended for the space of sixty days from and after the passage of this act, to all such sheriffs and county clerks as may have made punctual returns and paid over all public moneys in their hands, as directed by law; and when no sheriff or clerk shall have been elected to fill any vacancy that may have occurred, the provisions of this section and the subsequent section shall be, and the same are hereby, made applicable to all sheriffs and county clerks now in office, or who may be hereafter elected to office to fill vacancies.

Sec. 6. Every election which shall have already been held to fill any vacancy that may have occurred in the office of sheriff or county clerk, as directed by the act to which this is explanatory and amendatory, shall be held good and valid in law, so far as regards all matters of form.

Elections heretofore held declared valid, &c.

Approved June 22, 1837.

[No. XVI.]

AN ACT to provide for the relief of the Palmyra and Jacksonburgh railroad company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the treasurer of the state, is hereby authorized and directed to issue and deliver to the Palmyra and Jacksonburgh railroad company, special certificates of stock, to the amount of twenty thousand dollars, bearing an interest of seven per cent., payable semi-annually.

State treasurer to issue and deliver certificate of stock to railroad company.

Interest.

Sec. 2. Said stock shall not be delivered to the said company until the acceptance thereof shall be signified to the treasurer, by the filing in his office of a certificate of such acceptance, under the seal of the company and the signature of the president, and not until the president and directors, or stockholders of said company, shall give security to the treasurer of this state for double the amount of said stock, which securities shall consist of bonds and mortgages on unincumbered real estate, and the same shall be approved by the auditor general and filed in his office; which bond shall be conditioned that all moneys arising from the sale of said stock, shall be speedily and prudently expended in the construction of said road, and for the final redemption of said stock, when the same shall become redeemable, according to the conditions of this act, and for the payment of the interest thereof as the same shall become due, and which bond and security shall be renewed by said president and directors, from time to time when required by the auditor general; and in case the said president and directors shall neglect or refuse for the space of twenty days, so to renew said bond and security aforesaid, when requested, then the condition of said bond shall be deemed to be broken, and the auditor general shall cause suit to be instituted for the recovery of the penalty.

Condition of delivery of stock.

Security.

Expenditure of moneys.

Payment of interest.

Renewal of bond, &c.

Case of refusal, &c.

Penalty.

Certificate of acceptance filed with secretary of state, &c.

Sec. 3. The certificate of acceptance executed and filed as aforesaid, shall be recorded in the office of the secretary of state, and shall thereupon become and be to all intents and purposes a mortgage of the said road and its appurtenances to the people of this state, for securing the payment of the principal and interest of the sum of money for which such stock shall be issued and accepted as aforesaid.

Denomination of stock.
Faith of state pledged.

Sec. 4. The said stock shall be denominated the "Palmyra and Jacksonburgh railroad state stock;" and the faith and credit of the people of this state are hereby pledged for the payment of the interest and the redemption of the principal thereof.

Certificates not to exceed \$1,000, &c.

Sec. 5. The said stock shall be issued in certificates not exceeding one thousand dollars each in amount, payable to the said company or their order, and may be assigned and transferred at not less than its par value by the said company on books to be kept for that purpose at such bank as the treasurer may select, or such other place as the legislature shall at any time direct.

Stock transferable.

Stock reimbursable after certain period.

Sec. 6. The said stock shall be reimbursable at the pleasure of the legislature, at any time after five years from the date of the issue thereof; and the interest thereon shall be payable at the office of transfer on the first days of January and July, in each and every year.

Interest when payable.

Company to punctually redeem stock.
Payment of interest.

Sec. 7. The said company shall make provision for the punctual redemption of the said stock, and for the punctual payment of the interest which shall accrue thereon, in such manner as to exonerate the treasury of this state from any advances of money for that purpose; and the tolls and income which shall accrue from the use of the said road, when the same or any part thereof shall be constructed, after paying the repairs and the necessary expenses of conducting the business thereof, shall be, and are hereby, pledged for the payment of the said interest.

Tolls, income, &c. pledged for payment.

Stock not to be issued until prior lien or incumbrance if existing is removed.

Sec. 8. No part of the stock so authorized as aforesaid, shall be issued to the said company until full and satisfactory evidence shall have been given to the treasurer and approved by the attorney general, that no prior lien or incumbrance has been created or exists on said road or its appurtenances, except such lien or incumbrance as may have been created under this act.

Sec. 9. In case the said company shall make default in payment of either the interest or principal of the said stock or an

part thereof, it shall be lawful for the treasurer to sell the said road and appurtenances at auction, to the highest bidder, giving at least two months' notice of the time and place of such sale by advertisement, to be published once in each week in the state paper, or to buy in the same at such sale, for the use and benefit of the state, subject to such disposition in respect to the road or its proceeds, as the legislature may thereafter direct.

In case of default of payment road may be sold at auction.

Notice of sale.

Approved June 22, 1837.

[No. XVII.]

AN ACT legalizing the official acts of Charles Peltier, deputy clerk of the county of Wayne.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the official acts of Charles Peltier, a deputy clerk of the county of Wayne, appointed by the court, be, and the same are hereby, made as valid and effectual as if said Peltier had been duly appointed a deputy clerk by the clerk of said county.

Official acts of Charles Peltier, a deputy clerk, legalized.

Approved June 22, 1837.

[No. XVIII.]

AN ACT making appropriations at the extra session of the legislature held and convened on the second Monday of June, 1837.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That a sum not exceeding four thousand five hundred dollars shall be, and the same is hereby, appropriated for the pay of officers and members of the senate and house of representatives.

Pay of officers and members of the legislature.

Sec. 2. The officers and members of the senate and house of representatives shall be paid by the fiscal agent of the legislature, in the same manner as directed by the act entitled "An act making appropriations in part for the year 1837, for the pay of officers and members of the legislature," approved the 22d March, 1837, and of the act therein referred to.

Fiscal agent.

Reporter of senate	Sec. 3. To the reporter of the senate, three dollars per diem during his attendance ; to Lewis Bond, three dollars per diem during his attendance at the library, as assistant to the governor's private secretary ; to Bagg, 'Barns & Co. fifty-seven dollars and twenty-six cents, the amount of their bill for stationery furnished ;
Librarian's assistant.	to Morse and Brother, one hundred and fifty-seven dollars and fourteen cents, for stationery furnished, including the amount of their account for furnishing the office of the secretary of state, executive department, and books and records for the superintendent of public instruction for university lands ; to John Norton, jun., eighty-eight dollars and twenty-five cents, for disbursements in repairs to capitol, cleaning and fitting up the same, including arrearages for fuel and candles ; to Sidney L. Rood, for binding, stitching and cutting three thousand banking laws, three thousand internal improvement laws, and putting up and mailing in the post office at Detroit fourteen hundred copies of the laws of Michigan, in pamphlet form, to the several counties, one hundred and eighty-three dollars and fifty cents ; to Moore and Carpenter, two dollars, for boxes furnished secretary of state's office for packing laws and other documents ; to John Norton, jun., thirty dollars, for his services as fiscal agent for the present extra session of the legislature ; to John Guffard, for services attending executive offices during vacation, twenty-three dollars, exclusive of his services as assistant door-keeper, which are provided for in the first and second sections of this act ; to John S. Bagg, state printer, seven hundred and ninety-eight dollars eighty-six cents, for printing bills, daily journals and other public documents for the extra session of the legislature, including the publication of the laws of the last session in the state paper, and other public printing during vacation ; to Sheldon McKnight, twenty-nine dollars and sixty-four cents, his account for disbursements made for postage for members ; to John Norton, jun., fiscal agent of the legislature, a sum not exceeding twenty-eight dollars, including postage for newspapers procured from other states at the last session of the legislature, for the use of the members of the senate, containing legislative proceedings ; to John J. Adam, secretary of the senate, and Anthony Ten Eyck, clerk of the house of representatives, fifty dollars each, for preparing for the press and superintending the publication of the journals of the present session of their respective houses, with the accompanying documents, and making
Stationery, &c.	
Capitol. Binding, &c.	
Boxes for laws, &c.	
Fiscal agent.	
Executive office.	
Bills, journals, &c.	
Postage, &c.	
Newspapers, &c.	
Preparing journals for publication.	

indices to the same, which said amounts shall be paid to the secretary of the senate and clerk of the house of representatives, after the same shall have been completed, as shall appear by the certificate of the secretary of state, certifying the fact; to John J. Adam and Anthony Ten Eyck, each six dollars, for services performed in bringing up the journals of the respective houses of the last session of the legislature; to Patrick Falvey, for articles furnished the house of representatives, seventy-five cents; to G. Hill, for candles and other articles, six dollars and fifty-three cents, including arrearages at the last session; to Albert Chandler, forty-five dollars and twenty-six cents, in recording and bringing up the journal of the house of representatives; to Charles Tryon, for writing and copying bills at the last session of the legislature, eighteen dollars; to John J. Adam, twelve dollars, for recording and superintending the publication of the executive journal of the present session; to C. T. Potts, for services as engrossing and enrolling clerk for the present session, thirty dollars; to A. Ten Eyck and John J. Adam, each one dollar per day during their attendance, in addition to their regular pay; to E. G. Morton & Co., for printing five hundred copies Monroe Times extra, containing address of the Ann Arbor state convention, held in September last, fifteen dollars; to Edward D. Ellis, for advertising university land in 1828 and 1836, ten dollars and seventy-five cents; to Henry Smith, Nathan Hubble and Henry Disbrow, commissioners appointed by the executive, for the services in relation to the south-eastern boundary of this state, eighty-seven dollars, to be divided equally among each; to William Hanson, twenty-four dollars, for services in supporting the supremacy of the laws; to Andrew Backus, ninety-five dollars, for services rendered as district attorney in prosecuting suits in supporting the supremacy of the laws.

Sec. 4. The fiscal agent of the legislature shall be, and he is hereby, authorized to receive from the treasurer of the state such sum of money out of the treasury, as is sufficient to satisfy the demands in this act provided for.

Approved June 22, 1837.

Candles, &c

Recording and bringing up journal of H. of R.

Writing and copying bills.

Publication of executive journal.

Engrossing and enrolling clerk.

Monroe Times.

Commissioners survey S. E. boundary.

Supporting supremacy of laws.

District attorney. Treasurer to pay.

[No. XIX.]

AN ACT to amend an act entitled "An act to provide for the organization and support of primary schools."

Amendment
of original
act relative
to school in-
spectors.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of the twenty-fourth section of the act to which this act is amendatory as requires the township board of school inspectors to make out and transmit to the county clerk the report therein specified, on or before the fifteenth day of November of each year, is hereby so amended as to require them to perform the aforesaid duty on or before the first day of November in each year.

Amendment
relating to
county clerk.

Sec. 2. So much of the thirty-fifth section of the act to which this act is amendatory, as makes it the duty of the clerk of each county, and before the first day of November of every year, to make and transmit to the superintendent of public instruction the report therein specified, is so amended as to require him to perform that duty on or before the fifteenth day of November in each year.

Amendment
relative to
district
board.

Sec. 3. So much of the fourth section of the act to which this act is amendatory, as empowers the district board of any district to sue for and recover the penalty incurred by any person for neglecting or refusing to give notice of a district meeting as required by the second section of said act, is hereby so amended as to make it the duty of the township board of school inspectors to sue for and recover such penalty.

In case of
suit, process
by summons.

Sec. 4. Whenever any suit shall be brought against any school district the process shall be by summons, a copy of which shall be left with the director of said district, at least ten days previous to the return day thereof.

Term of leav-
ing copy.

Approved June 22, 1837.

RESOLUTIONS.

[No. I.]

A RESOLUTION to provide for the distribution of certain laws, and for other purposes.

Resolved by the Senate and House of Representatives of the State of Michigan, That it shall be the duty of the secretary of state, and he is hereby required, to cause one thousand copies to be printed of the "Act to regulate general elections," approved the twenty-first of March, one thousand eight hundred and thirty-seven, and of the forms specified in the first section of said act, and of the "Act amendatory to the act regulating general elections," approved the twenty-second day of June, one thousand eight hundred and thirty-seven, and to transmit forthwith without delay a sufficient number of such copies by an extra Free Press, to the sheriffs and county clerks in the several counties in this state; and on receipt thereof, it is made the duty of every such sheriff and county clerk to transmit copies thereof to the township clerks in their respective counties, and otherwise to notify the electors of such county by publication in a newspaper, or if no newspaper is printed in such county, by advertising such election in five or more of the most conspicuous places in said county; and it shall be the duty of the township clerks in the said several counties immediately upon the receipt of such laws and forms, to notify the electors of such townships by publication in a newspaper, if any is printed in such township, or by posting up five or more written notices of the time and place when and where the said election is to be holden, and that it shall be competent for the

Duty of secretary of state.

Transmit copies to sheriffs, &c.

Duty of sheriffs and county clerks.

Township clerk.

Advertising election, &c.

inspectors of elections to hold such election in one or more places in such township as may be deemed to be most convenient for the electors, of which previous notice as aforesaid shall have been given.

Approved June 22, 1837.

[No. II.]

A RESOLUTION to authorize the fiscal agent to advance to John S. Bagg a certain sum of money.

Fiscal agent
to advance
moneys to
J. S. Bagg.

Resolved by the Senate and House of Representatives of the State of Michigan, That the fiscal agent of the legislature shall be, and he is hereby, authorized to advance to John S. Bagg, the state printer, a sum not exceeding one thousand dollars, towards printing the laws and journals of the late session of the legislature, which said sum shall be deducted by the auditor general out of such amount as may be hereafter appropriated to the said John S. Bagg at the next session of the legislature, when he shall have finished and completed the printing of the said laws and journals: *Provided,* That before the said fiscal agent shall advance the said sum of one thousand dollars to said John S. Bagg, he shall produce to said fiscal agent satisfactory evidence that he has completed the printing of so much of the laws and journals as will amount to that sum.

Condition.

Approved June 22, 1837.

[No. III.]

A RESOLUTION relative to the offices of secretary of state, treasurer and auditor general.

Relative to
the offices at
capitol.

Resolved by the Senate and House of Representatives of the State of Michigan, That the secretary of state, treasurer and auditor general of this state, be, and they are hereby, directed to keep their several offices at the capitol, from and after the first day of July next, unless the said officers shall furnish office-room at some other suitable place within the city of Detroit, at their own expense.

Approved June 22, 1837.

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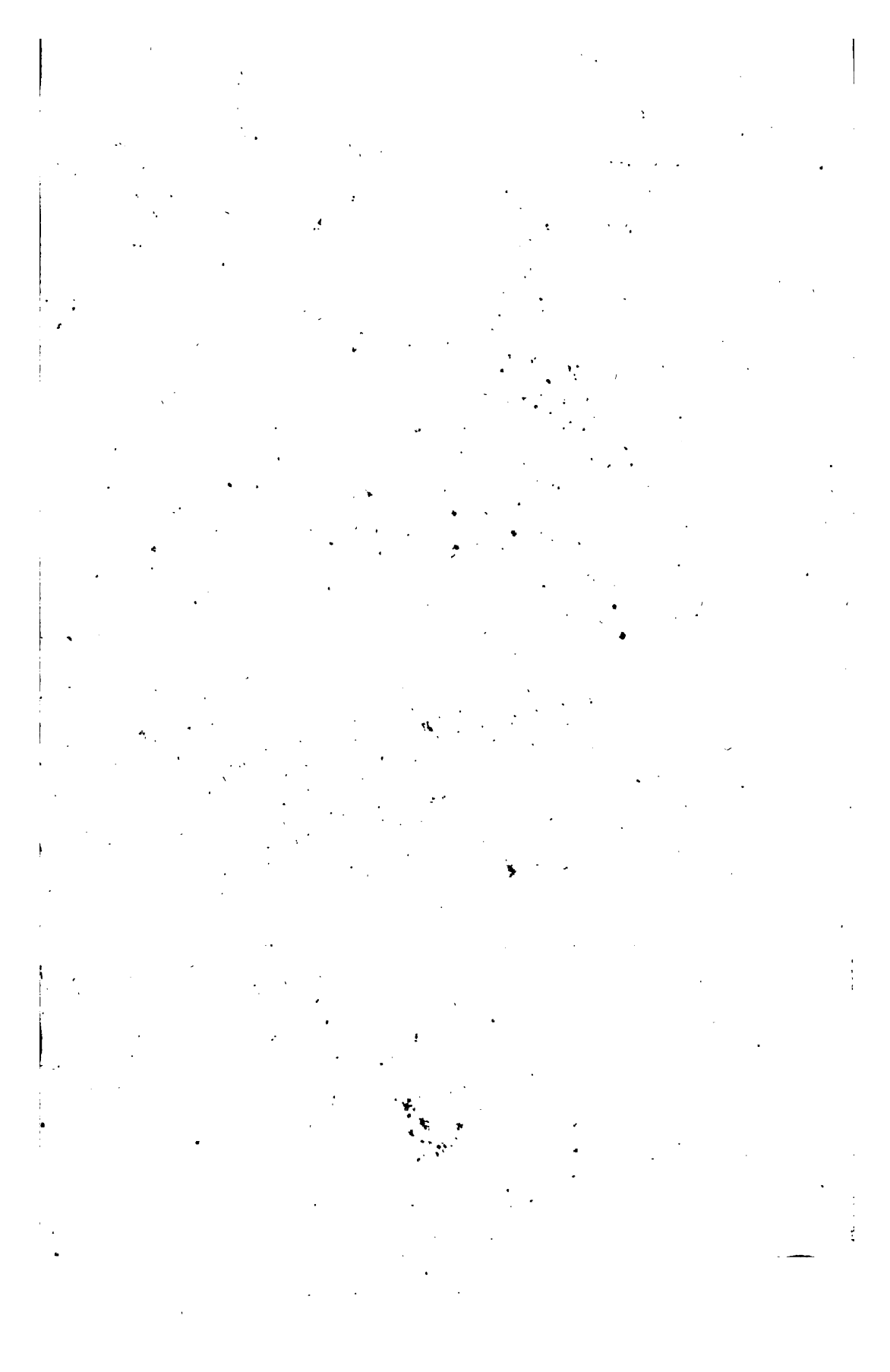
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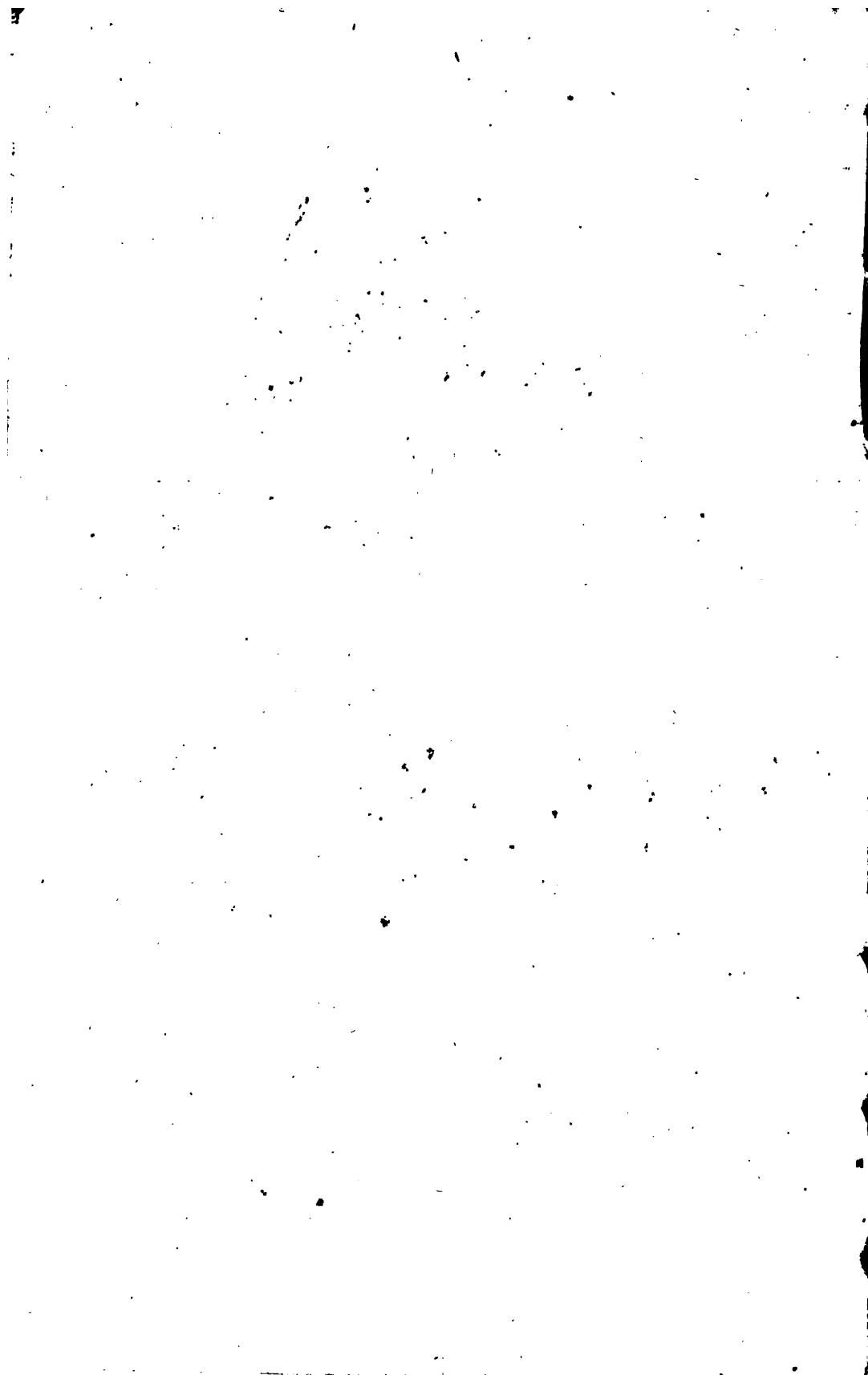
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